

Labor Focus

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Learn More About "Dues Skimming"

State Policy Network



State governments take an estimated \$250 million from Medicaid, Child Care and Development Fund, and Temporary Assistance for Needy Families recipients and give that money to Unions. Learn more about "dues skimming" from the State Policy Network

[Go to Site](#)

Expert Opinion

Businesses Face Challenges With Impending Wage Hikes

Robert Ordway | Commerce, Insurance and Economic Development



As Americans look to an exciting new year and politicos start gearing up for mid-term elections, 18 states along with 19 localities will be raising their minimum wage. When wages rise arbitrarily for employees but skill sets do not increase proportionately, employers will either reduce their workforces in people or hours, raise prices on customers or just go out of business altogether. Regardless of the option chosen, the entry level worker will feel the negative effects most.

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Economic Liberty

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Dick Carpenter Discusses Occupational Licensing

Russ Roberts | *EconTalk*



Dick Carpenter of the Institute for Justice and author of *Bottlenecks* talks with *EconTalk* host Russ Roberts about his book--a look at how occupational licensing and other regulations protect existing job holders from competition.

[Listen Here](#)

Right to Work Update

Kentucky Challenge to Right to Work Dismissed

The Associated Press



In a legal victory for Kentucky's Republican governor, a judge has dismissed a lawsuit filed by organized labor leaders who challenged the state's right-to-work law. Governor Matt Bevin said Wednesday that the judge's ruling confirms the right-to-work law is on solid legal ground and the legal challenge was "appropriately smacked down."

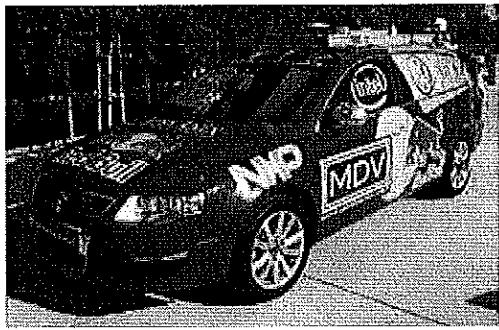
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Transportation Focus

States Embrace the Benefits of Autonomous Vehicles

Sara Friedman | GCN



With officials in Colorado and at the University of Michigan planning to put autonomous shuttles on the roads this year, state and local agencies across the country are working with industry to establish policies and regulations. An understanding of the technology can help municipalities make decisions for their long-term planning purposes.

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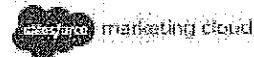


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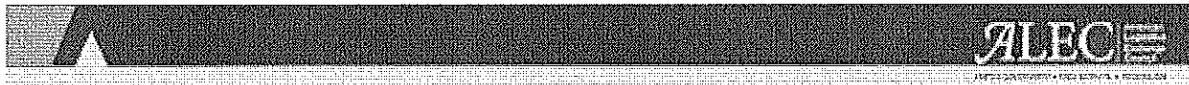
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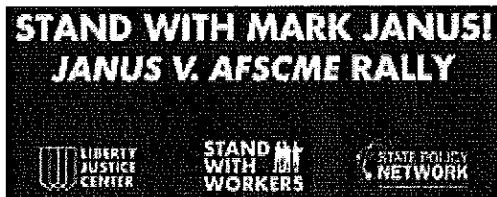
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ALEC in Action

Join ALEC at the SPN and Liberty Justice Center *Janus v. AFSCME* Rally



On Monday, February 26, The Supreme Court will hold oral arguments for *Janus v. AFSCME*. Join the State Policy Network and Liberty Justice Center for a rally outside the Supreme Court to stand up against mandatory union fees.

[Learn More](#)

Criminal Justice Reform

ALEC Signs Letter in Support of Alabama's Juvenile Justice Task Force Recommendations

Lacey White | American Legislative Exchange Council



On Thursday, January 25, the American Legislative Exchange Council signed a letter in support of the recommendations recently finalized and released by the Alabama Juvenile Justice Task Force. The recommendations made are both cost-effective and productive, while simultaneously improving public safety.

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Energy and Infrastructure

Protecting Everyday Life Means Protecting America's Infrastructure

Grant Kidwell | Energy, Environment and Agriculture



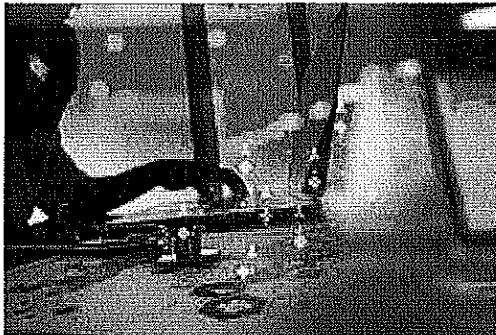
This winter Americans have seen the importance of well-working infrastructure as much of the country has faced freezing temperatures. But it's not always Mother Nature that strains and damages our nation's infrastructure; sometimes, it's human influence.

[Read Article](#)

Healthcare

The Amazon Experiment

Brooklyn Roberts | Health and Human Services



Earlier this week, Amazon, Berkshire Hathaway and JP Morgan Chase announced a new venture into the healthcare arena. Free markets have historically been the source of the most efficient and cost-effective solutions to problems—regardless of the industry. Experimentation in the private sector is a big step toward improvement.

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ALEC-FreedomWorks Legislator of the Week

Honoring Blue-Collar Roots and Protecting Taxpayers

Representative Ryan Warner | PA-52



This week, ALEC and FreedomWorks introduce **Pennsylvania State Representative Ryan Warner**. Warner is a down-to-earth legislator who enjoys rebuilding late-model Ford F-150s in his free time. An outspoken advocate of economic development, Warner sees one of his greatest challenges as "working to change the economy of our region from one that was based on steel and coal and expanding it to more diverse industries."

[Read Article](#)

State of the States Analysis

ALEC Analyzes State of the State Addresses

ALEC Center for State Fiscal Reform



The Center for State Fiscal Reform has been authoring analyses of the State of the State addresses from across the nation. The center is focused on highlighting both strong and weak tax policies outlined in the speeches, and their effects on the specific states. New this week are articles for the [South Dakota](#), [West Virginia](#), [Idaho](#) and [Florida](#) addresses. You can view all the entries by clicking below.

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PRESS RELEASE

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Advocates call for policies that support Ohio's workers

Contact: [Hannah Halbert](#)
614.221.4505

Later this month, the U.S. Supreme Court will hear Janus v. AFSCME, which threatens the ability of unions to collect fair share fees. Ohio legislators also recently unveiled a slate of proposals designed to give more power to corporations at the expense of workers, including so-called "right to work" legislation, which could greatly reduce the power of Ohio's unions. With working people facing threats at state and national levels, Policy Matters Ohio joined ProgressOhio to unveil a [new policy brief](#), "A way forward: 10 ways to support Ohio's working people."

"So-called 'Right-to-Work' legislation and related judicial attacks like the pending Janus case don't address these real struggles of working people," Policy Matters Researcher Hannah Halbert said. "Unionized workers in Ohio make \$4 an hour more than their non-union counterparts, \$8,000 more a year for full-time work. Union workers are more likely to have pensions and paid sick days, and less likely to be treated unfairly at work or experience harassment or workplace injuries."

Cincinnati fire fighter and Ohio Association of Professional Fire Fighters Communications Director Doug Stern said so-called right-to-work laws not only chip away at the fabric of unions, but can make communities less safe.

"Attacks like these on working people and unions are attacks on fire fighters, police officers and all first responders, he said. "Our fire fighters and police officers deserve the right to collectively bargain so that we can effectively advocate for the training and equipment that keep our communities safe."

For decades, state and federal policymakers have chipped away at worker protections. As a result, Ohio's job growth has been weak and the state's wealthiest 1 percent earned more than 19 times the average of the bottom 99 percent of earners combined.

"The decline of unions has significantly contributed to the decline of the middle class as wages have remained stagnant and workers are getting a smaller and smaller share of income," said Wright State University Economics Professor Rudy Fichtenbaum. "Attacks on unions are not about increasing job growth; they're about corporations and the political elite gaining power over workers."

Policy Matters calls for the policymakers to protect workers' right to organize, as well as strengthen the public sector, raise the minimum wage, restore the 40-hour work week, fix Ohio's broken unemployment compensation system and more.

[See the press conference on Facebook Live.](#)

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The FORM Group

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Subject: Employee Freedom on Trial Monday

MEDIA ADVISORY
Friday, February 22, 2018

CER

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EDUCATION
REFORM

CONTACT

Christina Mazzanti, Dir., Communications
christina@edreform.com
(202) 750-0016

Monday: US Supreme Court hears arguments on worker freedom

Janus v. AFSCME decision, whether favorable or not, will have wide-ranging implications for public-sector union employees and education at large

(Washington, D.C.) - On Monday the U.S. Supreme Court hears oral arguments in *Janus v. AFSCME*. The significance of this case cannot be overstated; the decision could potentially restore the freedom of public employees to choose how they want their hard-earned paychecks spent, and might put decisions about voluntary union membership back into the hands of the employees themselves.

According to the Manhattan Institute, the decision can affect 5 million public workers across 22 states including California, Illinois, and New York.

The case results will also have implications for the quality of education we deliver to our children. The teachers unions fight hard to protect mediocrity, even in failing schools, and support policies that keep ineffective teachers in the classroom, a taken-for-granted practice which in turn discourages more quality entrants to the profession.

Union demands for teachers to all behave and comply with fixed rules about how schools are run stifle innovation.

The largest teachers unions in the U.S., the National Education Association and the American Federation of Teachers, are also among the largest political donors of all time, together spending the second most in political donations nationally. Many of the policies and politicians they support, and programs they seek to have implemented prevent children from escaping failing schools and deny parents their due power to determine which education best meets the needs of their children.

Leaders on both sides of the argument will be at the Supreme Court Monday. CER and its leadership will be on site to arrange interviews, and CER Founder & CEO Jeanne Allen will be available for comment. For more, contact Christina Mazzanti at (202) 750-0016 or christina@edreform.com, and for information on location

Monday contact Patrick Korten at (202) 288-4307 or
patrick.korten@kortenmedia.com.

###

Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans — particularly our youth — ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

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The Center for Education Reform | 1901 L Street NW, Suite 705, Washington, DC 20036

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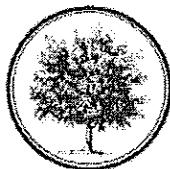
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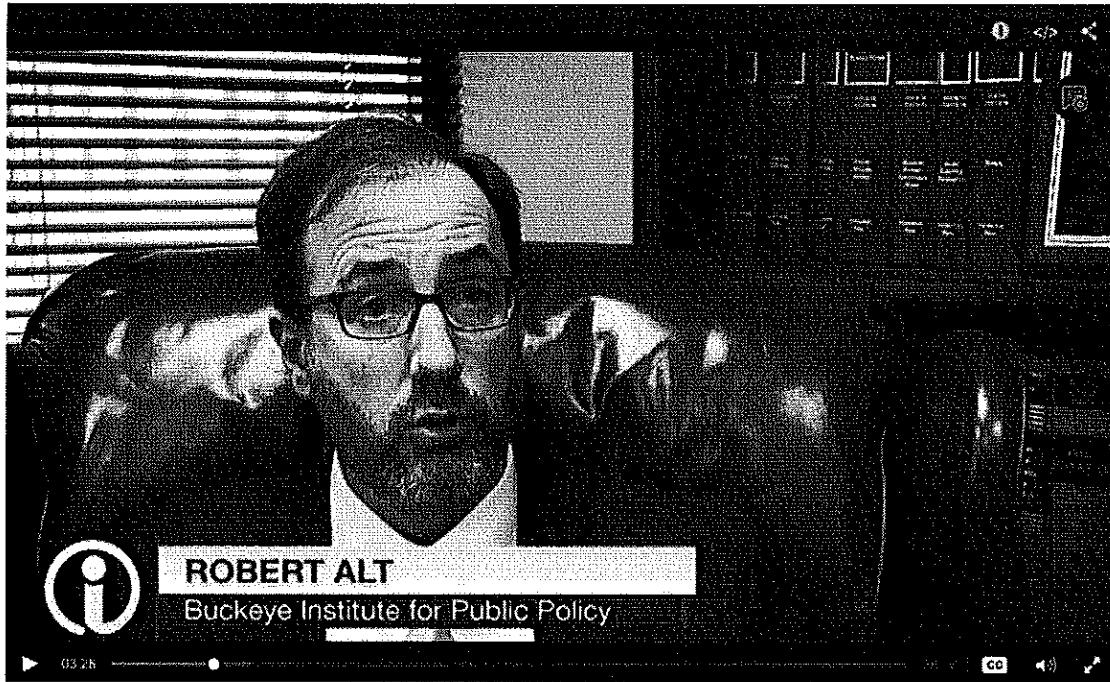
Buckeye's Robert Alt Sat Down with IdeaStream's Ashton Marra to Discuss *Janus v. AFSCME*

The Buckeye Institute's president and CEO Robert Alt, talked to IdeaStream's Ashton Marra about *Janus v. AFSCME* and the impact it could have on protecting the First Amendment rights of Ohio's public employees.

In the interview, Alt said in regards to public employees being forced to pay agency fees, "You don't have a choice then on how it is that the unions use that money in terms of speech, what they advocate for. That's really the core of this case."

Read and listen to the radio piece at: <http://bit.ly/2EMIE8e>.

Watch the television piece at: <http://bit.ly/2CGI1XH> (Segment runs from :56-6:27).

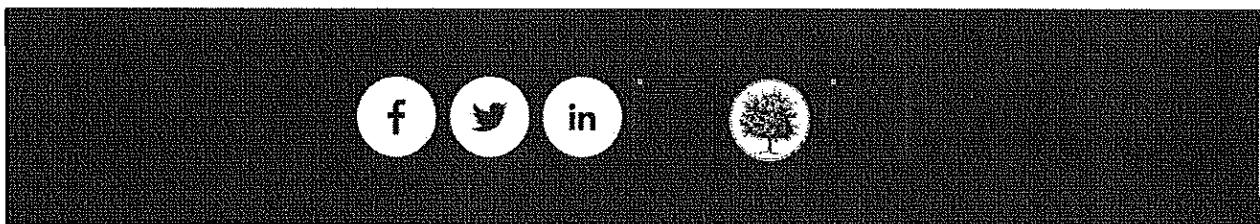


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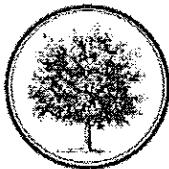
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FOR IMMEDIATE RELEASE
February 24, 2018

The Buckeye Institute's Robert Alt: Unions Should Rally Behind the First Amendment Rights of All Public Employees

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Columbus, OH -- Robert Alt, president and chief executive officer of **The Buckeye Institute**, issued the following statement regarding the Working People's Day of Action rally in Columbus, Ohio.

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"Today we witnessed the First Amendment in action. Individuals who support unions joined together at a rally to freely express their opinions. But what if instead of rallying and voicing their own opinions, they were forced to pay for the speech of those who oppose unions or else they would be fired? That would be unfair, not to mention violate the First Amendment. Mark Janus and public employees in many states including Ohio face exactly that kind of predicament.

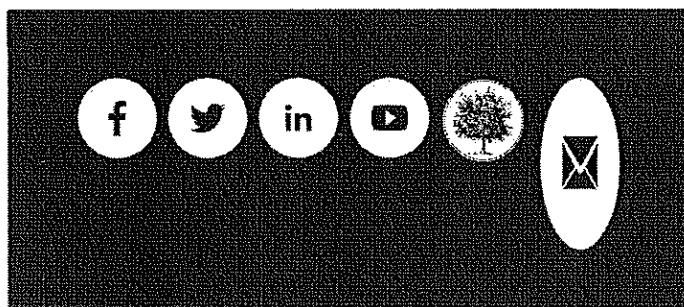
"On Monday, we will once again watch the robust protections of our constitutional system in action as Mr. Janus' case is heard before the Supreme Court of the United States. If Mr. Janus prevails, public employees will no longer be forced to pay for political speech with which they disagree, thus ending the violation of their First Amendment rights.

"While some claim *Janus v. AFSCME* is an attempt to weaken unions, The Buckeye Institute filed an amicus brief demonstrating that unions can still thrive without **compulsory dues**. What will change if Mr. Janus prevails is that our hard-working public servants, even those who disagree with the unions, will have their First Amendment rights protected and respected. And that is something all of us should rally behind."

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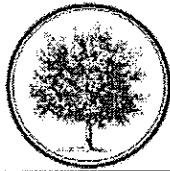
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THE BUCKEYE INSTITUTE

In a piece for **National Review**, Buckeye's Robert Alt looks at the funding of *Janus v. AFSCME*, saying, "What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case."

NATIONAL REVIEW

The Money Behind *Janus*: It's Deja vu All Over Again

National Review
By Robert Alt
February 26, 2018

This morning, the Supreme Court will hear oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case asks a similar question to one raised just two years ago in *Friedrichs v. California Teachers Association* - namely whether forcing a public employee to choose between subsidizing a union's political speech or being subject to termination for failure to do so violates the First Amendment.

Coming so soon after *Friedrichs* - a case in which the Court deadlocked 4-4 after the tragic and untimely death of Justice Scalia - *Janus* has a déjà vu quality to it. The sense that we have seen all of this before is nowhere more palpable than in the public arguments marshaled by some of the more liberal elements of the media against Mark Janus's case.

Bereft of sufficient legal arguments to justify the First Amendment violations perpetuated against public servants, left-wing publications have resorted to attacking the messenger. Mark Janus, a child-support specialist for the state of Illinois, is accused of being an agent of big corporations and billionaires. The proof? The public-interest law firms that represent Mr. Janus - namely Liberty Justice Center and the National Right to Work Legal Foundation - are accused of taking donations from charitable foundations that support free-market policy.

Just as in *Friedrichs*, it is perfectly unsurprising that foundations and individuals voluntarily would give to non-profit, public-interest law firms that provide free representation to their clients. Indeed, public-interest firms on both the left and the right regularly rely on charitable donations to carry out their work.

What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case. Why would he pay for the lawyers arguing against him? Because he has no choice. Mark is required to pay agency fees to the union, which are used for chargeable expenses like litigation, or he can be fired. And, of course, he is required to pay for political collective bargaining speech, or he can be fired.

This is the real story of the money behind the *Janus* case-a story of forced contributions for political speech. But the story could have a happy ending. The Supreme Court will hear arguments today in a case that could vindicate the First Amendment rights of

millions of Americans like Mark Janus. For Rebecca Friedrichs, for Mark Janus, and for all the workers who are being denied a voice and a choice, let's hope that the second time is the charm.

Robert Alt is the president and chief executive officer of The Buckeye Institute.

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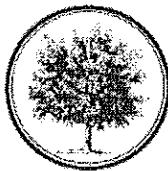
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February 26, 2018

After Attending Oral Arguments in Janus v. AFSCME, Buckeye's Robert Alt Reacts

Columbus, OH -- Robert Alt, president and chief executive officer of **The Buckeye Institute**, issued the following statement after attending the oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31* at the Supreme Court of the United States.

"Today, Mark Janus, and all hard-working public employees, had their day in court. Mr. Janus's lawsuit has the potential to be one of the most important labor and free speech cases in the past 40 years.

"Justice Kennedy, who is traditionally a swing vote on the Supreme Court, asked very tough questions of the union lawyers, in which he expressed major concerns about the speech at issue being both compelled and political. Given how frequently Justice Kennedy

is in the majority, his questions have to be a cause of concern for those seeking to continue the practice of forcing public servants to pay for union speech with which they may disagree.

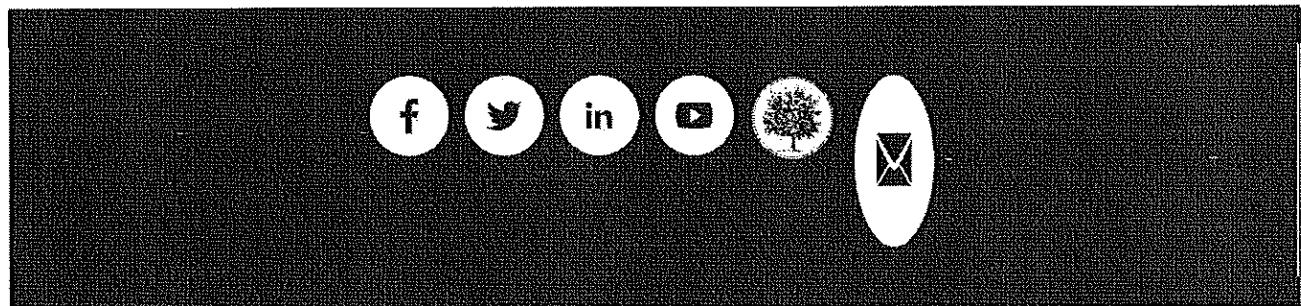
"What Mark, and others before him have done is not easy. Standing up for your rights and the rights of others is rarely an easy thing to do, but it must be done. It is immoral for the government to force hard-working public servants to pay for political speech with which they disagree under the threat of being fired. It is also unconstitutional."

The Buckeye Institute **filed briefs** with the Supreme Court of the United States supporting the free speech rights of public employees like Mr. Janus.

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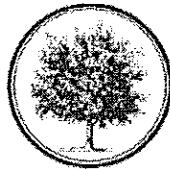
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THE BUCKEYE INSTITUTE

Buckeye's Robert Alt, Rea Hederman, and Lisa Gates traveled to Washington, DC, for the oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, and a rally in support of Mark Janus and hard-working public employees this morning.



Robert Alt (center) with Mark Janus and Rebecca Friedrichs outside the U.S. Supreme Court after oral arguments.

Before they left, **Robert commented on the union rally** in Columbus on Saturday, saying:

"While some claim *Janus v. AFSCME* is an attempt to weaken unions, The Buckeye Institute filed an amicus brief demonstrating that unions can still **thrive without compulsory dues**. What will change if Mr. Janus prevails is that our hard-working public servants, even those who disagree with the unions, will have their First Amendment rights protected and respected. And that is something all of us should rally behind."

Before getting in line at 5:45 a.m. to attend the oral arguments this morning, Robert wrote a piece for **National Review** commenting on the funding of *Janus v. AFSCME*, saying, "What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case."

After the oral arguments, Robert again offered his expert opinion to the press and his reaction to today's hearing, saying:

"What Mark, and others before him have done is not easy, but it must be done. It is immoral for the government to force hard-working public servants to pay for political speech with which they disagree under the threat of being fired. It is also unconstitutional."



Robert Alt talks with media about the *Janus v. AFSCME* oral arguments and what the case means for public employees.

While Robert was in the courtroom today, Buckeye's Rea Hederman was on the steps of the Supreme Court speaking at the Stand With Mark rally outside the Supreme Court.



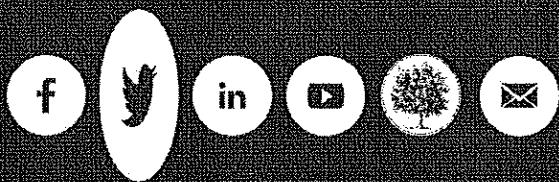
Buckeye's Rea Hederman speaks at the Stand With Mark rally.

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CapitoltoCapitol

NATIONAL CONFERENCE of STATE LEGISLATURES



Feb. 27, 2018

In This Issue:

This Week: Gun Control and Remembering the Rev. Billy Graham

US Supreme Court Hears Arguments in Union Dues Case

White House Meeting on School Safety

Supreme Court to Hear Online Sales Tax Case in April

DACA and Immigration Debate Stalls in Senate

Congressional Appropriators Race to March 23 Deadline

House Republicans Signal Willingness to Negotiate with Senate on Banking Reform Measures

Also of Note...

This Week: Gun Control and Remembering the Rev. Billy Graham

Congress returned yesterday from its Presidents' Day recess, which was dominated by the issue of gun control. Since the Feb. 14 shooting at Stoneman Douglas High School in Parkland, Fla., the nation has been immersed in an intense debate on what to do to prevent future school shootings. However, don't expect Congress to act this week. While the Senate will be in session all week, the House will conclude business today to make way for the remembrance of Rev. Billy Graham, who will become only the fourth private citizen to lie in honor in the Capitol Rotunda on Wednesday and Thursday.

US Supreme Court Hears Arguments in Union Dues Case

Perhaps the most significant debate on Capitol Hill this week will take place yesterday in the U.S. Supreme Court. The decision could not only affect every member of a public sector union but also result in the largest shift in federal education policy in 40 years.

On Monday, the U.S. Supreme Court heard oral argument in Janus v. American Federation of State, County and Municipal Employees (AFSCME) Council 31. Mark Janus, a public-sector employee in Illinois, is challenging the constitutionality of a state statute allowing public sector employers and unions to agree that employees who don't join the union must still pay their "fair share" of collective bargaining costs. Janus argues that

requiring him to pay his "fair share" of union dues is a violation of his First Amendment free speech rights. Janus asserts he should have the choice to join or not join, pay or don't pay.

Since 1977, when the US Supreme Court ruled in *Abood v. Detroit Board of Education*, public employees subject to fair share agreements have been required to pay for union representation, even if the worker doesn't join the union.

It is estimated that *Janus v. AFSCME* could impact 5.5 million public sector employees. The ruling could alter the relationship between labor and management, nationwide union membership and dues collection. At present, 22 states authorize fair share for public sector employees.

The *Janus* decision may have an outsized impact on public education given that two of the three largest public sector unions in the nation relate to education= 7the National Education Association and the American Federation of Teachers. Employees in education had the highest unionization rate of all sectors, with 37.2 percent being represented by a union.

On Dec. 5, attorneys general in 20 states (Michigan, Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Missouri, Nebraska, Nevada, Oklahoma, South Carolina, Tennessee, Texas, Utah, West Virginia, and Wisconsin) filed an amicus curiae brief in support of Janus. On Jan. 19, attorneys general in 20 states (New York, Alaska, Connecticut, Delaware, Hawaii, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Washington) and the District of Columbia filed an amicus curiae brief in support of AFSCME.

In 2016, the U.S. Supreme Court considered a similar case *Friedrichs v. California Teachers Union*. With the death of Justice Antonin Scalia, the Court deadlocked with a 4-4 decision. Justice Gorsuch could be the swing vote to overturn *Abood*. A decision is expected by the end of June.

NCSL Contacts: Jon Jukuri (labor), Joan Wodiska (education)

DYK? Sunday marked the 25th anniversary of the first terror attack on the World Trade Center. The attack, which killed six people and injured more than a thousand others, involved Islamic terrorists who blew up a 1,200 pound bomb in an underground parking garage in an attempt to collapse the twin towers.

White House Meeting on School Safety

In the wake of the Parkland, Fla., school shooting, last week President Donald Trump, Vice President Mike Pence, and Secretary of Education, Betsy DeVos met with more than 40 survivors, teachers and community members to discuss strategies to reduce school violence. In the meeting, the president expressed his support to improve federal background checks on gun purchases, equip school staff with firearms and explore other avenues to improve school safety. The president also issued a [Presidential Memorandum](#) directing the U.S. Department of Justice to "expeditiously as possible, to propose for notice and comment a rule banning all devices that turn legal weapons into machineguns." An official [federal regulatory review](#) of the "bump stock" rule began last fall, following the deadly shooting in Las Vegas, Nev. Over 100,000 comments were received and are being reviewed by the Justice Department.

NCSL Contact: [Joan Wodiska](#)

Supreme Court to Hear Online Sales Tax Case in April

On Friday, the Supreme Court set the argument date for the *South Dakota v. Wayfair* remote sales tax case for Tuesday, April 17. If the court rules in the South Dakota's favor, every state could be granted the authority to require remote businesses to collect and remit sales taxes on transactions made by their state's residents. If South Dakota loses, the long-term viability of the sales tax as a state revenue stream for states may be in jeopardy. For more, visit [NCSL's page](#) that summarizes the case as well as the history of remote sales tax collection issue in the states.

NCSL Contacts: [Max Behlke](#), [Jake Lestock](#)

DACA and Immigration Debate Stalls in Senate

Before Congress recessed, and before the re-emergence of the gun control debate, a fierce debate on immigration consumed Capitol Hill. However, lawmakers on Capitol Hill failed to reach a consensus on the issues of immigration reform, border security and the "Dreamers" and there is still no clear path forward for a comprehensive deal. In the Senate, neither of the four immigration-related proposals cleared the 60 vote threshold needed to advance legislation and it is unlikely that any proposal from the House would be entertained by the Senate.

While the president had set March 5 as the deadline for Deferred Action for Childhood Arrivals (DACA) recipients, at which point he would terminate the program, federal district judges in California and New York have delayed that possibility, thus allowing more time for negotiators to work out a deal. On Monday morning, the U.S. Supreme Court denied the administration's request to rule on the legality of DACA in advance of a U.S. Circuit Court decision. In a one sentence denial of the administration's request, the Court stated, "[I]t is assumed that the Court of Appeals will proceed expeditiously to decide this case." The Court of Appeals is expected to rule on the injunction as early as April.

NCSL Contact: Susan Frederick, Lucia Bragg

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NCSL Contact: [Susan Frederick](#), [Lucia Bragg](#)

DYK? Since 1870, when Senator [Hiram Revels](#) of Mississippi and Representative [Joseph Rainey](#) of South Carolina became the first African Americans to serve in Congress, a total of 153 African Americans have served as U.S. Representatives, Delegates, or Senators.

Congressional Appropriators Race to March 23 Deadline

The Bipartisan Budget Act of 2018 included the fifth continuing resolution (CR) for fiscal year (FY) 2018 and set new spending caps on how much the government can spend through FY 2019. Now, lawmakers have just four weeks to craft the 12 annual appropriations bills, or one combined omnibus bill, before March 23 when the government is at risk of another government shutdown. To make things even more complicated, the budget deal also had several informal agreements that were agreed to, but did not give specifics. This includes yearly funding of:

- \$3 billion to "fight against the opioid and mental health crises."
- \$10 billion for infrastructure.
- \$2 billion to "rebuild and improve" veteran's health care.
- \$2 billion for "college affordability."
- \$2.9 billion for the child care development block grant.
- \$1 billion for the National Institutes of Health.

Now, appropriators will have to translate how this funding will look while the party leaders act as chaperones to make sure everybody complies with the deal's stipulations. This also may be the last major legislative vehicle of the year, so you can bet lawmakers are rushing to get their priority bills added to the omnibus. The budget deal reached earlier this month also created a joint committee that is specifically tasked with "advancing reforms to the budget and appropriations process." Last week, House leaders made their selections on who would try to tackle this monstrous task. Speaker Paul Ryan chose Steve Womack (R-Ark.), Rob Woodall (R-Ga.), Jodey Arrington (R-Texas), and Pete Sessions (R-Texas), while Minority Leader Nancy Pelosi chose Nita Lowery (D-N.Y.), Lucille Roybal-Allard (D-Calif.), Derek Kilmer (D-Wash.) and John Yarmuth (D-Ky.). Senate leaders have yet to name their eight members to the reform committee.

NCSL Contacts: Max Behlke, Jake Lestock

DYK? On Feb. 25, 1863, 155 years ago, President Abraham Lincoln signed the National Currency Act (later called the "National Bank Act"), which was the first attempt to establish a central bank following the failures of the First and Second Banks of the United States. The law aim to address the hodge-podge of local banks, local money, and conflicting regulatory standards that existed before the Civil War. The act allowed for the creation of national banks, planned for a national currency, and gave the federal government the ability to sell war bonds and securities.

House Republicans Signal Willingness to Negotiate with Senate on Banking Reform Measures

House Financial Services Committee Chair, Jeb Hensarling (R-Texas), appears to be open to negotiations with the Senate on Dodd-Frank rollback measures. Hensarling, who has a steady track record of wanting to wholly dismantle Dodd-Frank, now seems to be open to more moderate reforms in a strategic attempt to get legislation to the president's desk.

Hensarling's original banking reform legislation, the Financial CHOICE Act of 2017, would have removed significant portions of Dodd-Frank. His new strategy consists of multiple individual bills amounting to an a la carte offering of banking reform measures. House Republicans are hoping that this strategy is more palatable to moderate senators than the sweeping Financial CHOICE Act, which many deemed D.O.A. in the Senate last year after it passed the House.

In his attempt to work with the Senate, Hensarling seems willing to ease up on tough reform proposals designed to slash the Consumer Financial Protection Bureau—an agency that has proven to be a political lightning rod since its Dodd-Frank inception in 2010. Bipartisan policies that seem to be on the table in both chambers include relaxing regulatory oversight of credit rating agencies and increasing capital holdings thresholds for small and mid-sized banks that currently require heightened scrutiny under Dodd-Frank.

These latest attempts to move bi-partisan banking reform legislation come at the chagrin of some Democrats who feel that such measures would amount to taking a step back after progress made in the post-Great Recession era. If the House and Senate can successfully negotiate the legislation, the president has signaled ardent support for legislation that rolls-back Dodd-Frank in any form.

NCSL Contact: [Ethan Wilson](#)

Also of Note...

- [Governors to Washington: Stop dithering on guns](#) – POLITICO

State leaders from both parties implored federal lawmakers this weekend to listen to their states' examples for responsible firearm legislation after the school shooting in Parkland, Fla., increasingly exasperated with the slow pace of debate and halting progress in the nation's capital.

- [Trump's personal pilot 'in the mix' to lead the Federal Aviation Administration – Washington Post](#)
President Trump's personal pilot is "in the mix" to lead the Federal Aviation Administration, a White House official confirmed Sunday night.
- [After testy call with Trump over border wall, Mexican president shelves plan to visit White House – Washington Post](#)

Tentative plans for Mexican President Enrique Peña Nieto to make his first visit to the White House to meet with President Trump were scuttled this week after a testy call between the two leaders ended in an impasse over Trump's promised border wall, according to U.S. and Mexican officials.

- [California Democratic Party doesn't endorse Feinstein re-election bid – Fox News](#)

The California Democratic Party will not endorse Sen. Dianne Feinstein's re-election bid this year, with delegates at the party's annual convention giving the majority of votes to her top primary challenger, progressive State Sen. Kevin de Leon.

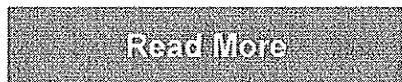
- [Read the Democratic rebuttal to the Nunes memo, annotated – Washington Post](#)

Read the Feb. 12, 2018 Capitol-to-Capitol.

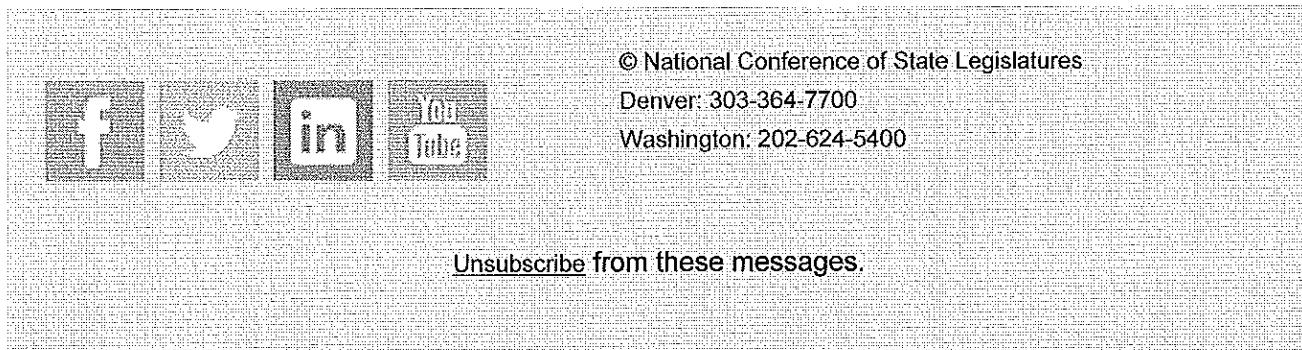
Like Capitol-to-Capitol? Have ideas or suggestions for how it can be improved? Please take two minutes to let us know in this [very short survey!](#)

We are always looking for interesting trivia about states, legislatures and American history. If you have some great facts, don't keep them to yourself. Let us know by clicking [here](#). We will likely include them in a future edition of Capitol to Capitol!

If you have comments or suggestions, please contact [Max Behlke](#).



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7700 East First Place, Denver, CO 80230

From: Max.Behlke@ncsl.org
Sent: Monday, March 5, 2018 4:33 PM
To: Rep48
Subject: Cap to Cap: Trump: New NAFTA Would Prevent Proposed Tariffs



CapitoltoCapitol

NATIONAL CONFERENCE of STATE LEGISLATURES



Mar. 5, 2018

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Also of Note...

Trump: New NAFTA Would Prevent Proposed Tariffs

Last Thursday, President Donald Trump announced that the United States would impose 25 percent tariffs on imported steel and 10 percent tariffs on imported aluminum. The move, which surprised many in Washington and even many of the president's advisers, rattled the stock market as well as many manufacturing companies that rely on the metals. The announcement also surprised officials in the European Union, who have threatened to retaliate by imposing penalties on \$3.5 billion of U.S. exports, especially on products manufactured in states of Republicans leaders, including Harley-Davidson motorcycles (Wisconsin, Speaker Paul Ryan) and bourbon (Kentucky, Senate Majority Leader Mitch McConnell).

The U.S. has experimented with steel tariffs relatively recently. In 2002, President George W. Bush imposed sweeping tariffs on steel imports but dropped them in 2003. The tariffs raised the cost of steel by 3 percent and a 2003 study by the research firm Trade Partnership Worldwide estimated that the higher steel prices, caused chiefly by the tariffs, cost 200,000 steel-consuming jobs in 2003, largely in manufacturing.

This morning, the president tied the tariffs to the ongoing negotiations to rewrite the North American Free Trade Agreement (NAFTA) by [tweeting](#) that the "Tariffs on Steel and Aluminum will only come off if new & fair NAFTA agreement is signed." The comments are not particularly surprising as Canada and Mexico were the first and fourth top suppliers of U.S. [imported steel](#) in 2017. Given that it is an election year both in the U.S. and in Mexico, many NAFTA watchers believe that talks to renegotiate the three-country agreement may last the rest of the year. However, retaliation against the U.S. tariffs could come much more quickly.

Seventh round of the North American Free Trade Agreement (NAFTA)

Renegotiations Wrap up Today

Representatives from Mexico, Canada and the U.S. convened over the past week for the seventh round of NAFTA negotiations in Mexico City.

Later today, the seventh-round negotiations are scheduled to conclude with a meeting among the U.S. Trade Representative Robert Lighthizer, Canadian Foreign Minister Chrystia Freeland and Mexican Economy Minister Ildefonso Guajardo. The three top trade officials from the NAFTA countries are expected to hold a press conference after the formal round of negotiations are completed.

Last week, Trump announced plans to impose tariffs on steel (25 percent) and aluminum (10 percent) to protect natural security interests. However, Trump has not specified whether he will grant exemptions to the tariffs for key allies and vital trading partners. An eighth round of NAFTA negotiations in Washington, D.C., is expected to be held in early April.

NCSL Contacts: [Jon Jukuri](#)

This Week on Capitol Hill

The Senate is turning to banking reform as efforts to pass gun control legislation appear to have stalled. The financial legislation, which will provide relief to small financial institutions and community banks, would be the first rewrite of the Dodd-Frank reform bill, legislation enacted nearly eight years ago in wake of the financial crisis. The legislation is expected to consume most of the chamber's floor time this week.

During its brief sessions on Monday and Tuesday last week, the House passed a bill to make it easier for victims and prosecutors to sue websites linked to sex trafficking. This week, the House is expected to vote on two energy and environment bills: the Blocking Regulatory Interference from Closing Kilns (BRICK) Act and the Satisfying Energy Needs and Saving the Environment (SENSE) Act. The BRICK Act would change certain Environmental Protection Agency regulations to benefit the brick and structural clay ceramics manufacturing industries. The SENSE Act would exempt certain power plants, which burn coal refuse, from parts of a 2012 air pollution rule. The House is expected to vote on the bills on Wednesday and Thursday.

The House is also expected to vote on the Comprehensive Regulatory Review Act on Tuesday, which is aimed at eliminating outdated or unnecessary regulations. The bill would require the audit of financial regulations to be completed every seven years, instead of every 10, and would expand the number of federal financial agencies the review requirements apply to.

DYK? Until the adoption of the 20th Amendment to the U.S. Constitution in 1933, U.S. presidents were inaugurated on March 4. However, the first president, George Washington, was not inaugurated until April 30. Although Congress had scheduled the first inauguration for March 4, 1789, they were unable to count the electoral ballots as early as anticipated.

Roadblock to 2018 Infrastructure Bill?

Last week, Assistant Majority Leader, Senator John Cornyn (R-Texas) conveyed doubt that a large infrastructure package would pass Congress by the end of the year because of the large number of other priorities it must complete. While last month's budget deal calls for a \$10 billion boost to infrastructure funding for both FY 2018 and FY 2019, it remains unclear how such funding will be allocated with broadband, surface transportation, and clean and safe drinking water among a bevy of potential options.

While the funding in the budget deal is needed given the state of the nation's infrastructure, it is far from Trump's proposed \$1.5 trillion infrastructure plan. Senator Tom Carper (D-Del.), the ranking member of the Senate Environment and Public Works Committee, responded to Cornyn's remarks by saying, "I hope he's wrong. This administration, the president has talked so much about infrastructure, transportation, broadband deployment, water, sewer. If we can't figure out a path forward on this, shame on the president, shame on the administration, shame on the Congress."

Although a large infrastructure package may face a difficult road to passage, Congress still anticipates passing two other main infrastructure bills—a full four-year reauthorization of the Federal Aviation Administration (airports and drones) and a two-year reauthorization of the Water Resources Development Act (ports, harbors, inland waterways, and clean and safe drinking water).

NCSL Contacts: [Ben Husch](#), [Kristen Hildreth](#)

Commerce Committees Announce Broad Telecom Package

Lawmakers on both the House and Senate Commerce committees have reached a bipartisan deal on a broad package of telecom provisions that will likely be bundled in this month's omnibus bill if a standalone package is not passed beforehand. The deal includes elements of the House's Federal Communications Commission (FCC) reauthorization package, which would provide the agency with more than \$330 million annually in FY 2019 and FY 2020, and includes key provisions from the Senate's Mobile Now spectrum bill. The Mobile Now Act provisions include allowing the FCC to hold upfront spectrum auction bids later this year with the U.S. Treasury.

In a joint statement, House and Senate committee leaders, Representative Greg Walden (R-Ore.), Representative Frank Pallone (D-N.J.), Senator John Thune (R-S.D.) and Senator Bill Nelson (D-Fla.) said the "bipartisan, bicameral product puts consumers first and solidifies the nation's critical telecommunications infrastructure, giving the U.S. a global edge" in the race to develop fifth-generation, or 5G, wireless networks "and in improving internet services across the country."

The legislation, [Ray Baum's Act \(H.R. 4986\)](#), will first be voted on in the House tomorrow, March 6, which is said to be a demonstration vote to congressional leadership that including the legislation in the omnibus bill will not threaten the package's chances of passage.

NCSL Contacts: [Danielle Dean](#)

Federal Reserve Chair Jerome Powell Testifies before Congress

Last week, Fed Chair Jerome Powell appeared before the House and Senate [testifying](#) on the Federal Reserve's semiannual [Monetary Policy Report](#). In his first appearance before Congress as one of the nation's top

financial regulators, Powell commented on current economic conditions, addressing hot topics such as inflation, interest rates and the Fed's years-long accommodative monetary policies. Congressional members also peppered Powell with questions on myriad issues ranging from the new tax law and pending banking reform legislation to lending practices and consumer protection. [View the full Senate testimony.](#)

During his testimony, Powell recognized the Fed's congressional mandate of promoting both maximum employment and stable prices—economic dynamics that tend to operate inversely, especially during times of relatively swift economic growth. Powell reported a generally favorable U.S. economic outlook, citing current job gains, economic growth and unemployment (4.1 percent) numbers. He went on to note that the Fed expects the inflation rate to tick upward, moving closer to the agency's target rate of 2 percent.

Questions remain as to the full cumulative effects of the recent tax legislation combined with historically low unemployment, high labor demand and increasing wages. With more money in the economy and wages on the rise, some believe that inflation will rise at a higher pace than anticipated by the Fed. For now, it appears that the Fed will proceed with at least three incremental interest rate hikes this year, with a fourth possible.

NCSL Contact: [Ethan Wilson](#)

DYK?

Before the 20th Amendment, presidential inaugurations were typically held on March 4. However, when the March 4 fell on a Sunday, as it did in 1821, 1849, 1877, and 1917, the ceremonies were held on March 5.

In 1877, March 4 fell on a Sunday, so on March 3, 1877, Rutherford B. Hayes became the first president to take the oath of office in the White House during a private ceremony. Hayes' also took the oath in a public ceremony on March 5.

On March 4, 1917, President Woodrow Wilson became the first person to break precedent and take the oath of office on Sunday, which was also the first time that the oath was taken privately in the President's Room at the Capitol.

Also, Inauguration day has only fallen on a Sunday three times since the passage of the 20th Amendment. In all three instances, the presidents were sworn in during a private ceremony on Sunday, followed by a public ceremony on Monday.

Senate to Debate Bill that Exempts Small Banks from Dodd-Frank

Last Thursday, Senate Majority Leader Mitch McConnell (R-Ky.) filed a cloture motion on S. 2155, the Economic Growth, Regulatory Relief, and Consumer Protection Act, which is legislation intended to provide smaller banks relief from rules and regulations established under Dodd-Frank. Debate on the measure is expected to last most of the week in the chamber.

In general, the legislation raises the threshold at which a bank is deemed big enough to warrant tighter oversight from \$50 billion to \$250 billion. An initial procedural vote on the bill is expected on Tuesday, where the legislation will need 60 votes to pass, which it is expected to attain given that it is supported by moderate Democrats. More progressive members, however, have vocally opposed the bill. "The Senate—with the support of some Democrats—is set to start debate on a bill to roll back regulations on the same big banks we bailed out a few years ago. If we lose the final vote next week, we'll be paving the way for the next big crash," Senator Elizabeth Warren (D-Mass.) said in a tweet Friday.

Warren, considered a potential 2020 contender, rose through the Democratic Party's ranks by focusing on financial oversight.

NCSL Contact: [Ethan Wilson](#)

Carrying Firearms in K-12 Schools

In the wake of the tragic events in Parkland, Fla., federal and state laws governing firearms have been in the forefront of public attention. Last week, the president held a bipartisan meeting to discuss school violence and access to firearms. Trump has indicated support for school staff having access to firearms. This week, the president is expected to meet with "members of the video game industry" to discuss the relationships between violence and video gaming. [Read NCSL's Blog post on Carrying Firearms in K-12 Schools: A Policy Snapshot.](#) [NCSL Summary Carrying Firearms K-12 Schools](#)

NCSL Contact: [Joan Wodiska](#)

Court Hears Oral Argument in *Janus v. AFSCME* Case

Last week, the U.S. Supreme Court heard oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case considers the question of whether state laws that require the

collection of "fair-share" dues in unions violate the First Amendment. While Justice Neil Gorsuch is expected to be the swing vote, last week he remained silent during the oral arguments.

NCSL Contacts: Jon Jukuri (Labor); Joan Wodiska (Education)

DYK? Thirty-six hours after his inauguration on March 4, 1933, President Franklin D. Roosevelt declared a "bank holiday," which closed all U.S. banks and froze all financial transactions for a week to stem bank runs during the financial crisis of the Great Depression. Following the bank holiday, on March 9, Congress introduced, passed, and the president signed the Emergency Banking Relief Act, which allowed banks to reopen as soon as examiners had found them to be financially secure. Within three days, 5,000 banks had been given permission to be re-opened.

NCSL Files Amicus Brief in South Dakota v. Wayfair Sales Tax Case

On March 2, NCSL, along with the national organizations that represent state and local officials, filed an amicus brief in the U.S. Supreme Court for one of the most important state tax cases in decades: *South Dakota v. Wayfair*.

In this case, South Dakota is asking the Supreme Court to rule that states and local governments may require retailers with no in-state physical presence to collect sales tax. Ruling this way will require the Supreme Court to overturn long-standing precedent.

The amicus brief points out that states and local governments lost an estimated \$26 billion in sales tax revenue in 2015 because they were unable to collect owed taxes. The brief encourages the Court to overturn *Quill*. If the Court decides to replace the physical presence requirement, the brief asks the Court to adopt an economic nexus requirement—like the one the South Dakota legislature adopted.

NCSL Contacts: Max Behlke, Jake Lestock

Opioids Crisis Garners Further Federal Attention

This week, the U.S. Senate Health, Education, Labor and Pensions (HELP) Committee will hold a full hearing on the Opioid Crisis: Leadership and Innovation the States. Guest witnesses are Governors Larry Hogan (R) of Maryland and Kate Brown (D) of Oregon. Last week, the president hosted an opioid summit to discuss the administration's efforts to confront the opioid crisis.

NCSL Contacts: Haley Nicholson (Health); Susan Frederick (Criminal Justice); Joan Wodiska (Education)

Also of Note...

- **This Democrat Is Running for Congress—but Not Against Trump – [The Atlantic](#)**
 - **Ryan splits with Trump on trade as GOP lawmakers move to block planned tariffs – [Washington Post](#)**
- **Inside the \$9.1 Million Effort to Bolster Republican Running in Trump Country – [The Wall Street Journal](#)**
- **Mueller subpoenas witness for documents tied to Trump, campaign associates: report – [The Hill](#)**

Read the Feb. 26, 2018 Capitol-to-Capitol.

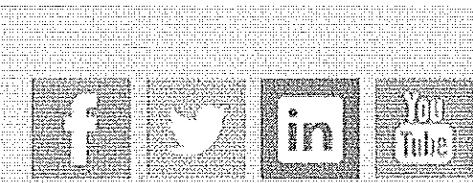
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[Read More](#)

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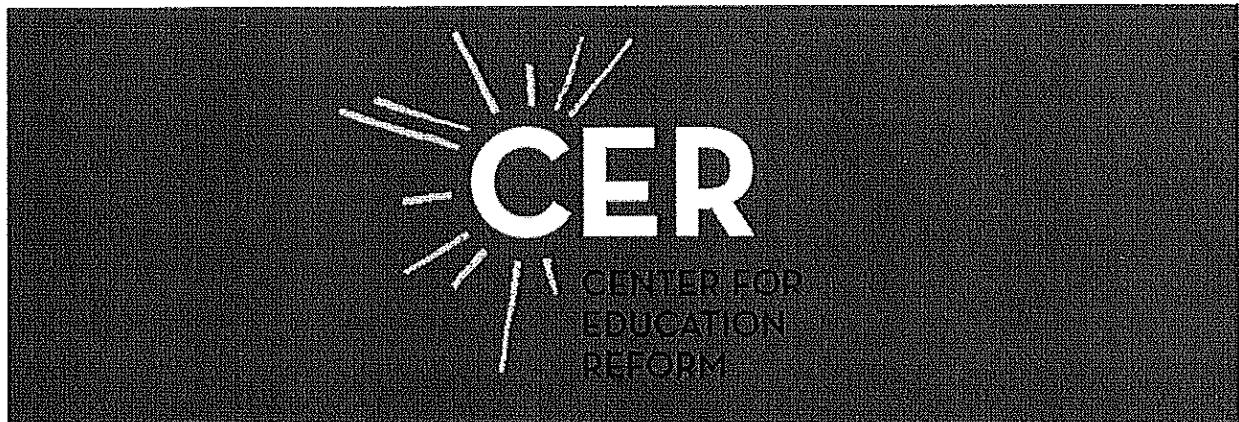
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May 8, 2018

National Charter Schools Week 2018, Day 3: **The UNIONS, and their impact on Teachers**

Recognizing charter schools as well as those who enable their progress on this #TeachersDay 2018 must include a recognition of those that stand in the way of yet more progress- the National Education Association and the exceptionally hostile American Federation of Teachers (AFT).

It's no secret these two groups have always opposed and spread falsehoods about charters, working hard to convince teachers that they don't serve kids. That has largely failed, but lately, the rhetoric and attacks by the union bosses have taken a troubling, destructive turn. Their increased hostility can only be a result of one thing – a threat to their power. Charter schools have gained strength and acceptance across the nation, threatening the unions' power, influence, money and membership. NEA membership declined in 27 states last year. The AFT membership fell by 69,000 in 2016. And within a few short weeks, the US Supreme Court will decide in Janus vs AFSCME if the US constitution intended for union fees to be involuntarily extracted from the nation's teachers. (We think our Founders did not).

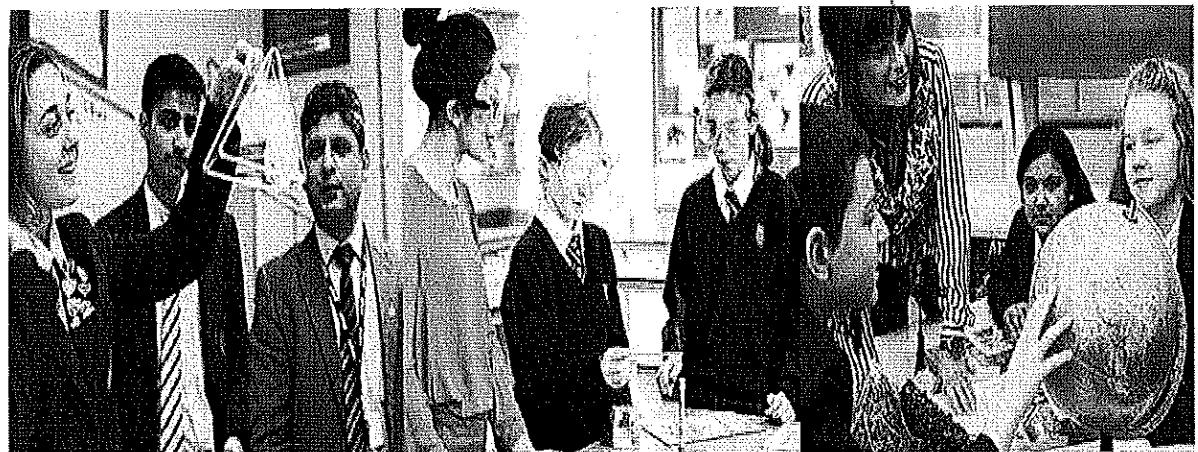
But rather than evolve and adapt to changes in the 180-year-old factory model system of education, rather than create a new path for teachers that supports their growth over mandating uniformity and lock step acceptance of rules, they have dug in their heels and decided character assassination and anti-charter propaganda is best, even declaring unfathomably that the charter school movement is rooted in racism and in the Jim Crow politics of the South's past!

Over at their palatial building on 16th Street, NW in Washington the NEA has been sending missives out to teachers based on last year's policy statement that – in the union mind and the union mind only - it $\not\rightarrow$ jeopardize[s] student success, undermines public education and harms communities" and thus they must "arm our communities and our educational professionals with the tools and voice we all need to ensure a better future for our youth."

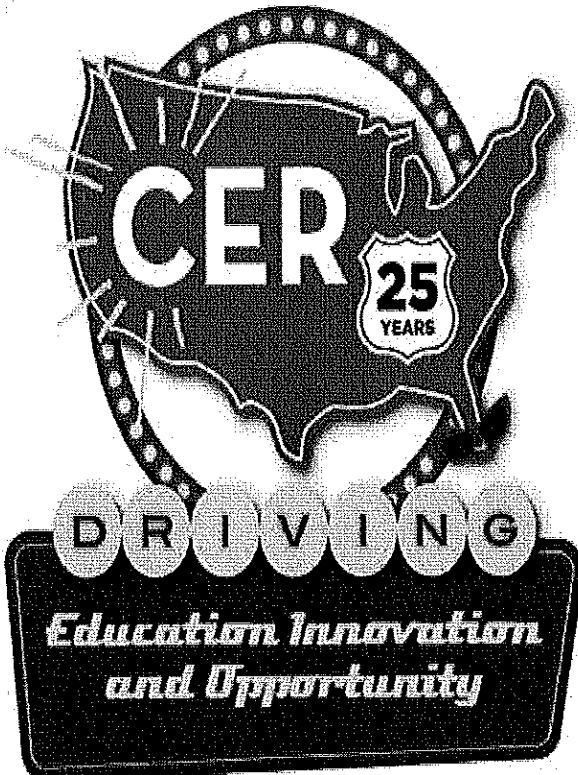
Of course, those tools should be making sure every child gets a great education no matter what the vehicle, but that would never occur to a union who derives its power from mandatory assignment and forced membership.

As absurd and as unfounded as their comments and actions are, they must not go unchallenged. Nor should we ignore that they have tried to tie their school-funding/teacher-pay protests to charters. Make no mistake, these walkouts, sickouts and strikes are intended to build their union, pushing charter school teachers to follow them. Many have called them out in the news and in podcasts with important education leaders.

The good news is that there is help for charter schools and their teachers who want to resist the forced actions of unions to take over these life-saving schools.



The really good news however is that teachers love the autonomy and focus that charters allow them to teach and innovate without being bound by union rules that only hamstring those efforts. That's why well over 90% of charter schools remain non-union and, as a result, retain the freedoms and flexibilities entailed in that independence. As such, charter schools continue to outperform traditional public schools at a rate that has helped drive advances in learning and pedagogy. Charter schools change lives, thanks to the teachers in them. And, today, on Teacher Appreciation day as well as Day 3 of [#CharterSchoolsWeek](#), that's worth celebrating!



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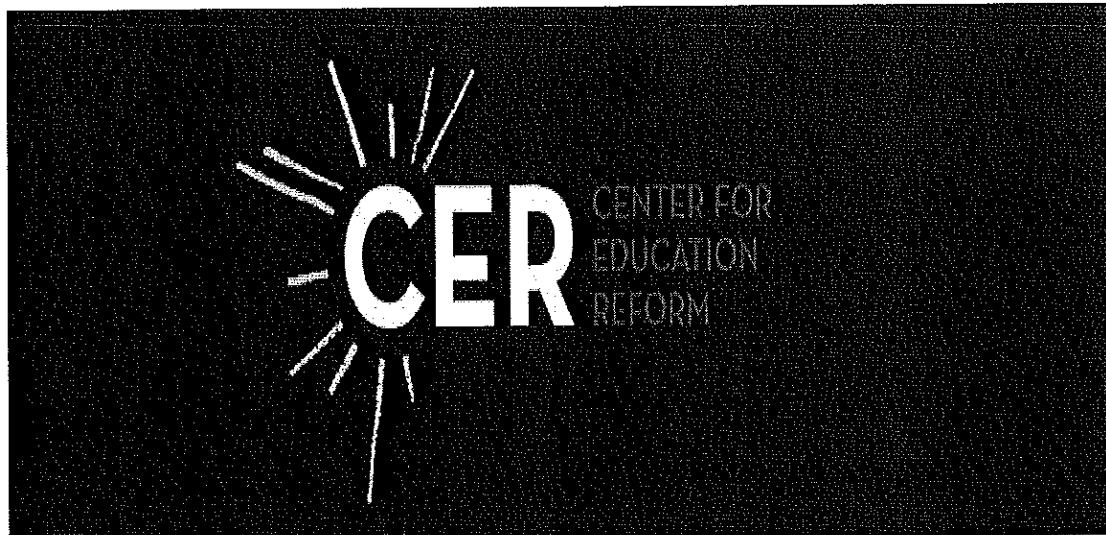
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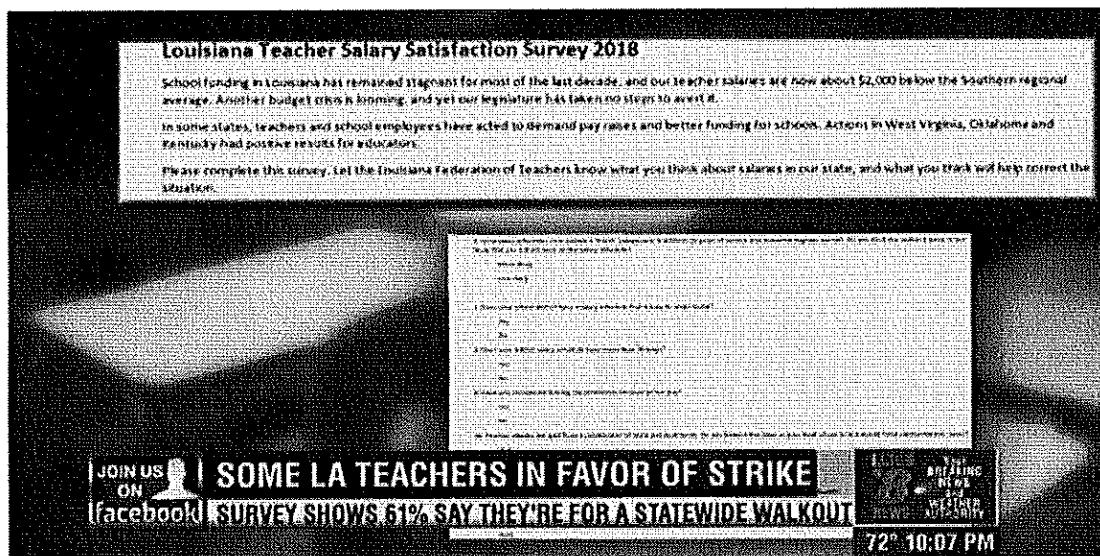
PRIMARY DAY. It's a great reminder of what's at stake, and a time for all to exercise their right to vote, not to mention their responsibility to know what it is they are voting for. A little civics knowledge courtesy of the Bill of Rights foundation might help you or your class, now and in the future to understand what it is we can all achieve if we focus on the issues. Let's start (and end) with education, a core function of any Governor. Today Texas, Georgia and Arkansas will nominate candidates for Governor to elect in November. In all, 36 states and 3 territories will elect state execs this year. Get to know what you should be asking and thinking now. CER's handy-dandy voter's

guide Education 50 is chock full of information to guide you and will be an up-to-date analysis of all major state races for November's final contests.

MORE UNION DISSENT. This time in South Carolina. Dubbed a "mobilization", the rally at least took place on a Saturday when the livelihood of the children was not at stake. Want more money and benefits? Teachers should get up to speed on what's really preventing that from happening. (Hint: It's not education reform).

BAIT & SWITCH. The media have been hoodwinked clearly by catchy surveys conducted by the Louisiana Federation of Teachers claiming a majority of teachers support their strikes and demonstrations. Take a look at this loaded question they used to stir the pot. Again, teachers should ask themselves, what has the union done lately to ensure that school spending reaches the classroom, to reduce their dues, to reduce pension costs, ensure that salaries not be topped off at the end of a teacher's career, and that greatness is rewarded, while mediocrity is not? The reality is that most teachers don't know how they are paid, or why.

New survey shows nearly 4,000 Louisiana teachers would strike, quit for higher pay



WHEN THEY CAN'T WIN THEY SUE. Repeated lawsuits initiated by the unions against the tiny Washington State charter school law are going to prevent more students like Jalen Johnson, an 11th-grader at Summit Sierra charter school in Seattle, from succeeding. Johnson told the crowd at a pro-charter rally that the commitment of his teachers helped turn him from an average middle-school student who had little thought of attending college to a thriving high-school junior who hopes to study urban planning at the University of California at Berkeley. "This is how every school should be." That's the same theme in Georgia in a news report about charter school graduates. "Public school choice, in the form of successful, innovative public charter schools, helps struggling children thrive and graduate."

SPEAKING OF GRADUATES, Michigan's charter schools are forcing some who have long used flawed data to condemn Detroit charters to eat their words. Turns out that with struggle comes progress (as one of our friends would say). A dollar spent by a Detroit charter yields 2.5x lifetime earnings, according new a new report by the Mackinac Center. Indeed 8 of the 10 top high schools in Detroit for college enrollment were charter schools. Despite the

good news, the Gubernatorial Democratic frontrunner in Michigan announced earlier this month his “war on charter schools.” Shri Thanedar is campaigning on a plan to ban most Michigan charter schools. His competitor Gretchen Whitmer is following his lead.

ILLINOIS CHOICES UNDER ATTACK, TOO. Political efforts motivated by stiff teacher union pressure threaten the elimination of the successful Invest in Kids Act program, despite its popularity and necessity. Empower Illinois received 24,000 applications as soon as its scholarship program went live, causing its website to crash, and is up to 50,000. The state tax credit program is decried by the teachers’ union because it’s a policy that supports educational alternatives. So as the unions work to pull teachers out of school they are also trying to stop kids from going to schools that meet their needs. Go figure.

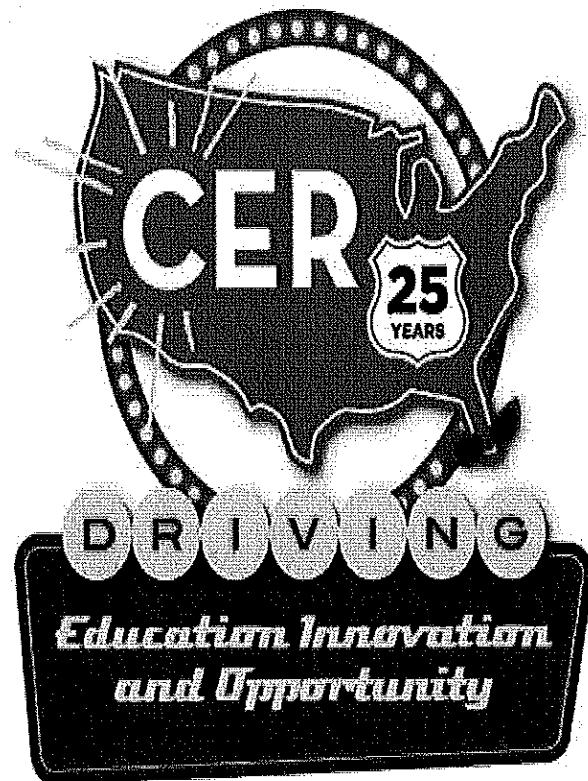
FLORIDA DISTRICTS FIGHT equality for kids while they deny charter public schools their equal right to property tax money.

DESPITE FAILURE & SAFTEY ISSUES, the head of the National Education Association (NEA) is galloping into Kentucky to the fight proposed state takeover of Jefferson County Public Schools.

LET US PRAY. THE MUCH-ANTICIPATED SCOTUS *JANUS v. AFSCME RULING*

AFSCME RULING in late June could mean a seismic shift for teachers’ unions. With the strong possibility of a ruling Mark Janus’ favor, releasing non-union teachers from mandatory fees, the nation’s largest teachers’ union, the National Teachers Association (NEA) has announced a projected loss of 300,000 members over two years and accordingly, a proposed annual budget reduction of \$50 million. For more details and analysis on the case and how its outcome will affect all educators and students, listen to this Monday’s Reality Check with Jeanne Allen with guest Colin Sharkey, executive vice president of the Association of American Educators.

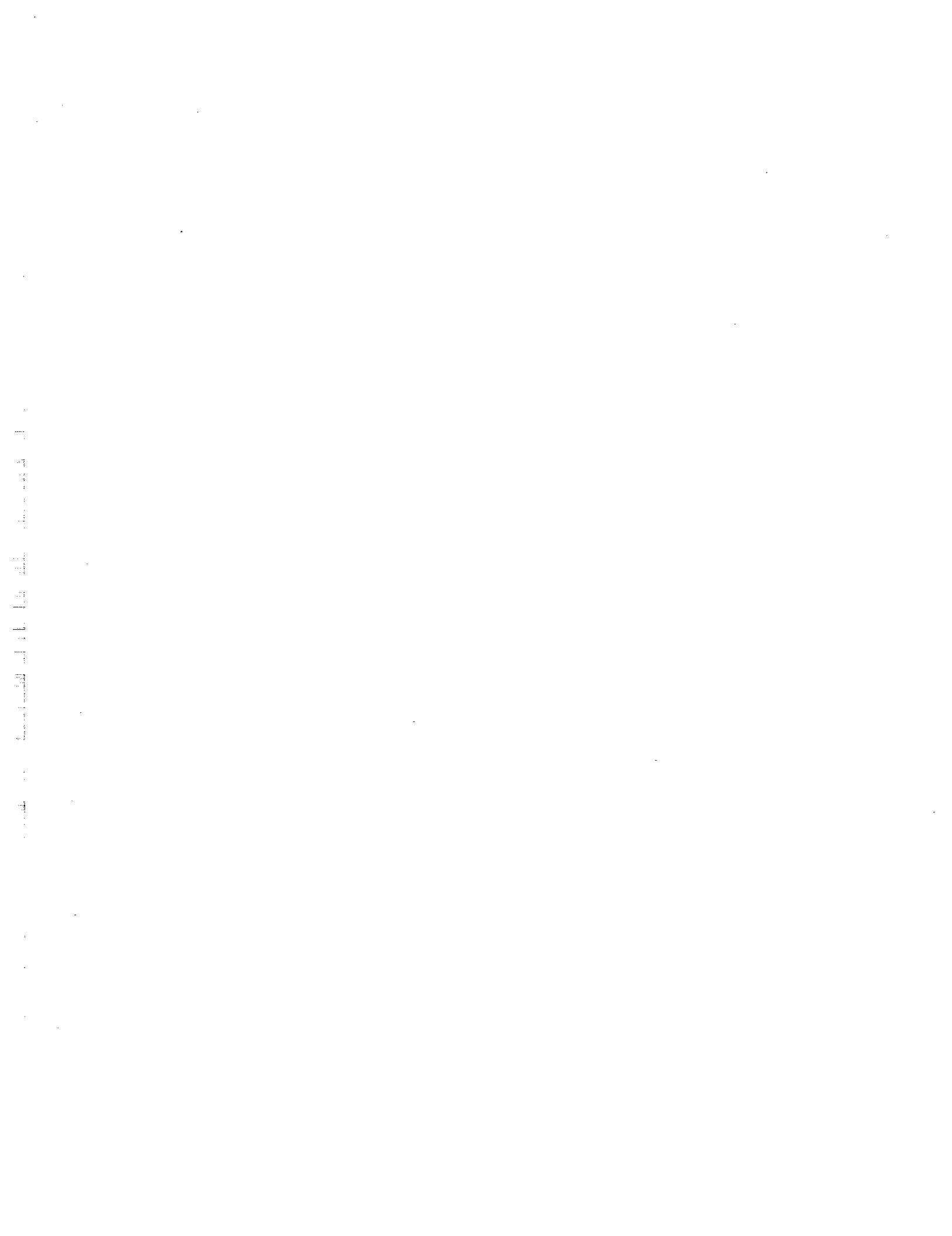
Check out this week's [Reality Check](#) w/Jeanne Allen for an interview with North Carolina charter school leaders about the strikes and their prescription for success.



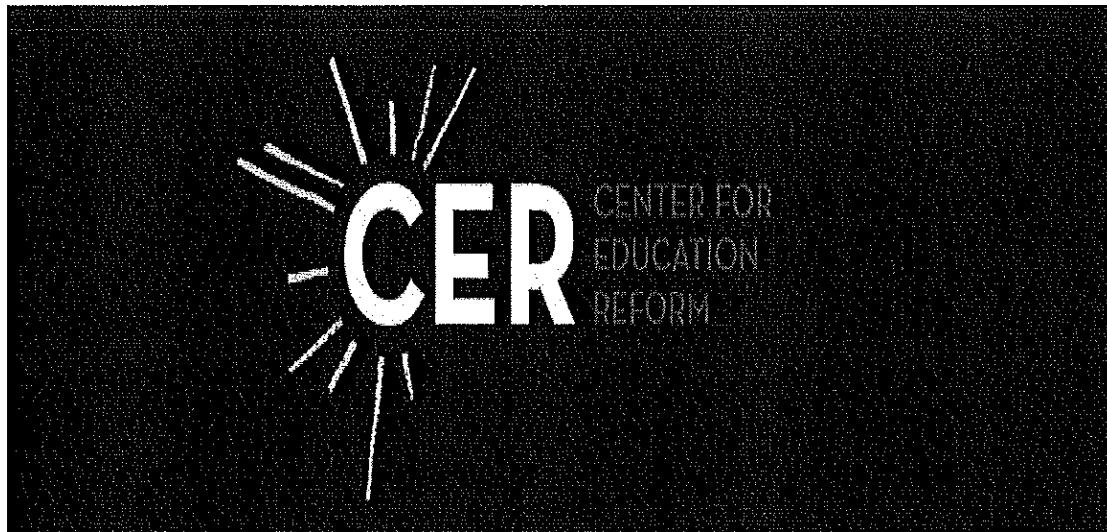
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POLITICS AS UNUSUAL. "A subterranean divide among Democrats between backers of teachers unions and those of charter schools and other education innovations is helping shape key gubernatorial primaries..." [so reports the AP](#). Charter schools and edreform have long been backburner issues in political campaigns, but in some places a tipping point has been reached. In Colorado, for example, tension has been building over education for months; activists tried to forbid the group Democrats for Education Reform, which backs candidates who support innovations like charter schools and evaluations, from

using the party's name in its title. Some of this strife is being driven the teachers unions. [Read more here.](#)

PERSONALITY POLITICS. The *NY Times* posits that because Ed Secretary Betsy DeVos is allegedly such a polarizing figure her support for charter schools actually does more harm to the charter movement than good. "One survey of views on charter schools found... ...the president and his education secretary are so disliked by liberals that some will automatically reject whatever they endorse." While that isn't surprising, it is unfortunate and has spawned a narrative of negativity that is doing a terrible disservice to charters specifically and ed opportunities and innovations generally.

NEW YORK POLITICS. A *NY Post* editorial lays it on the line for NY Schools Chancellor Richard Carranza. If he truly wants to mend fences with the city's high-performing charter schools and their leaders, he can start by granting long-languishing space requests and also end an injustice that NY1 exposed this week: discrimination by the Committee on Special Education 1 against kids who attend Success Academy (it's been slow-walking requests for Success Academy students, and even unfairly denying services). [Continued...](#)

SOMEBODY'S GOTTA STAND UP. Last week *The Las Vegas Review-Journal* ran a piece about how Nevada's Clark County School District had created a new marketing position to sell the district's schools to parents and slow the exodus of student to charter schools. We responded with a letter to the editor, which reads in part "The [district's] goal should not be 'How do we convince families not to leave?' It should be 'How do we provide learning experiences and results that make them want to stay?' Read the letter in its entirety [here](#).

AND WHILE WE'RE AT IT. How do we say this politely....? We've just about had it Valerie Strauss' attempts at journalism, and with the people she quotes and whose opinions she offers up as "proof" that public education is

under attack by dark forces who want to "privatize" schools. So we fired off a letter to *The Washington Post* too.

CONFIRMATION. One of the comments you often hear from parents who choose to send their children to charter, or private schools is the simple desire to ensure their kids are safe – which, sadly, is often not the case in the schools that many children attend. But are those desires met? According to an analysis of the second-year results of the federal evaluation of the D.C. Opportunity Scholarship Program (the federally funded scholarship program that allows low-income families in D.C. to use public education dollars to cover private-school tuition for their kids) by *The Hill*, the answer is a resounding yes! Get the facts.

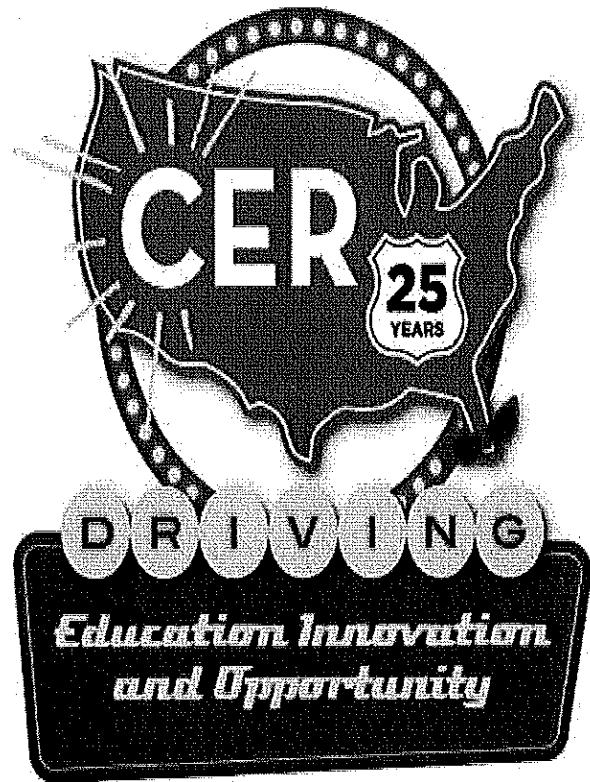
GOOD NEWS? Later this month the Baltimore School Board will consider applications for six new charter schools. Unfortunately, the same school board has consistently cut its budget for the city's existing 34 charter schools (which serve about 20 percent of Charm City's 80,600 public school students). Adding insult to injury, there's a new funding formula that has charter schools paying the district millions of dollars for services previously covered by the school system. Nicole Harris-Crest, ED of the Maryland Alliance of Public Charter Schools, said the cuts and new rules made for a pretty tough environment for starting a charter school. "But," she added, "it adds additional people to the movement to fight for equitable funding." It's time the state legislature or the courts step in to make the playing field more level for charters and traditional public schools alike.

ON CHEERIER NOTES. Check out these two stories on charter schools. First the *CBS Morning News* story on Basis Independent Silicon Valley, which has captured the top five spots on U.S. News and World Report's list of the best high schools and where students are required to take at least seven AP courses, beginning as early as eighth grade (*and some take as many as 20*). And do yourself a favor by reading "*A change of schools changed everything*" by valedictorian of the 2018 graduating class of PACE Career

Academy in Allenstown, NH. It's a great personal testament to all the things that are the foundation of innovations and opportunities that are charter schools.

TIME FOR A REALITY CHECK. In a lifetime of amassing experiences and diverse avenues of success, Bill Walton, founder and chairman of the private equity firm Rappahannock Ventures, has been driven by one defining theme, "I've always been interested in the barriers to change." A lifelong learner, Bill is an entrepreneur, education reformer, supporter of the arts, and is a feature film and documentary producer. Bill and his wife Sarah developed an entire French and Spanish language curriculum, Language Odyssey. Since then, he has been passionate in the belief that, "A free market in education rather than government-run schools is the ideal system for every child to flourish in." Listen online at <https://www.edreform.com/realitycheck/>.

TICK-TOCK. The clock? 9s winding down, and decisions are being handed down, as the end of this session of the Supreme Court draws to a close. Before it's all over there'll be a decision on Janus v. AFSCME which, if it goes as anticipated (in favor of Janus) will have a huge impact on the power of the teacher's union. For all the latest news, and up-to-the-minute comment, visit edreform.com or go to <https://standwithworkers.org/>.

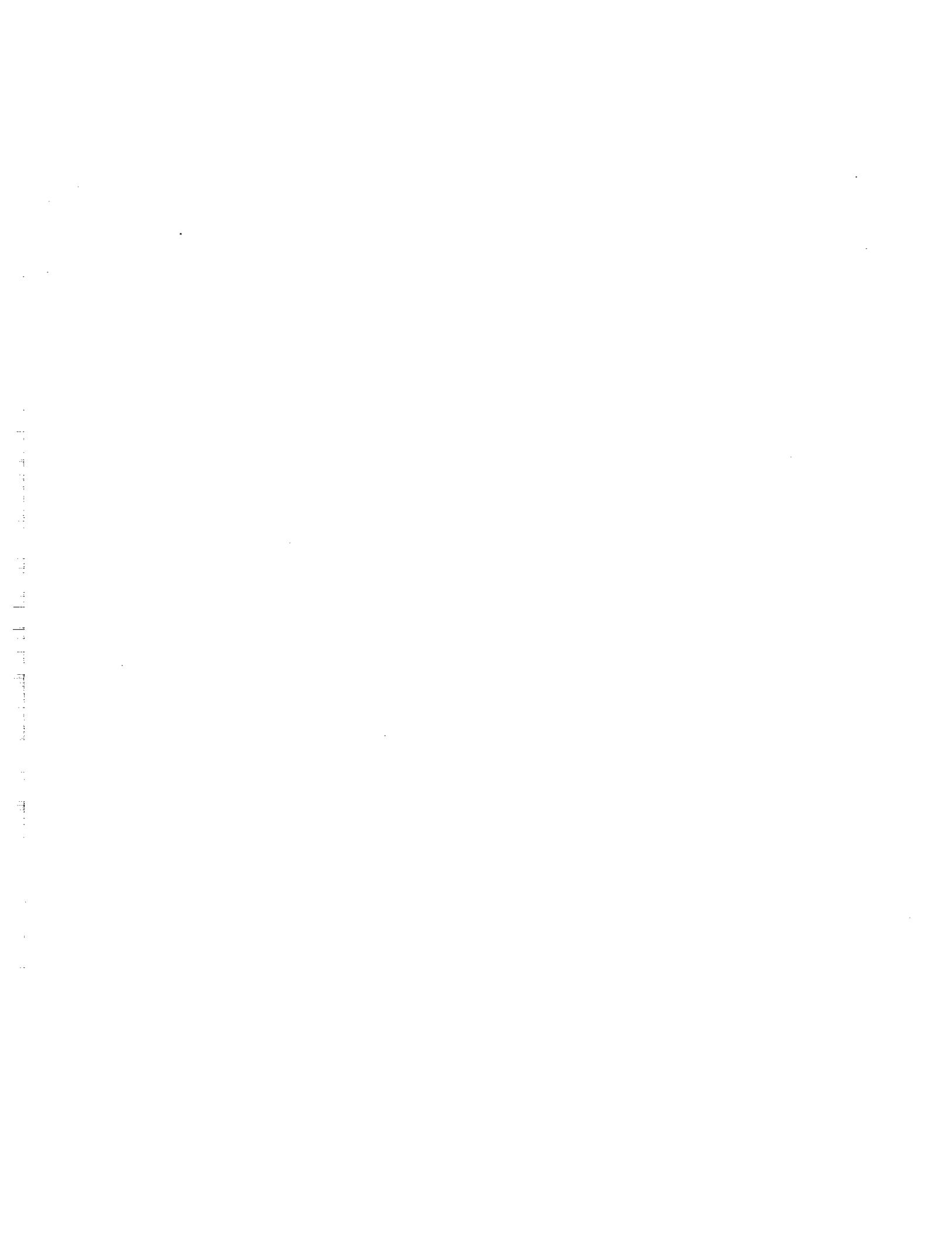


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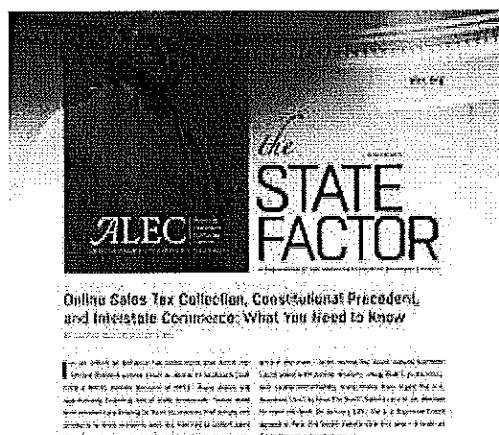


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Online Sales Tax

Learn More About Internet Sales Tax Ahead of Upcoming *Wayfair* Decision

Center for State Fiscal Reform



A Supreme Court decision is expected soon in the *South Dakota v. Wayfair* case before the U.S. Supreme Court, which is concerned with the collection of Sales Tax from online retailers. ALEC has produced a number of resources to educate lawmakers and policy leaders on the nuance of this issue, including a **State Factor Report**, an **Amicus Brief**, and an **Op-Ed in the Washington Examiner**. Check out these materials to learn about the topic ahead of this important decision.

Worker Freedom

Janus v. AFSCME: "Let Me Out"

Michael Slabinski and Ben Moulton | Commerce, Insurance, and Economic Development



An upcoming U.S. Supreme Court decision, *Janus v. AFSCME*, will once again put the issue of union fees, as a condition of employment, back on the table. If Mark Janus wins his case against the American Federation of State, County and Municipal Employees, millions of government workers across the country will no longer be forced to pay union dues that violate their First Amendment right.

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Facebook Live

Discussing State Responses to the Opioid Crisis

Ronald J. Lampard | Criminal Justice



Join us at **2:00 PM Today** for a Facebook Live discussion featuring Criminal Justice Director **Ronnie Lampard** discussing the state level responses to the opioid epidemic and identifying states that are leading the way in combatting it.

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Transportation and Taxes

Are Drivers Getting a Good Deal for Gas Taxes?

Grant Kidwell | Energy, Environment, and Agriculture



Are American drivers getting a good deal on roads for what they pay in gas taxes?

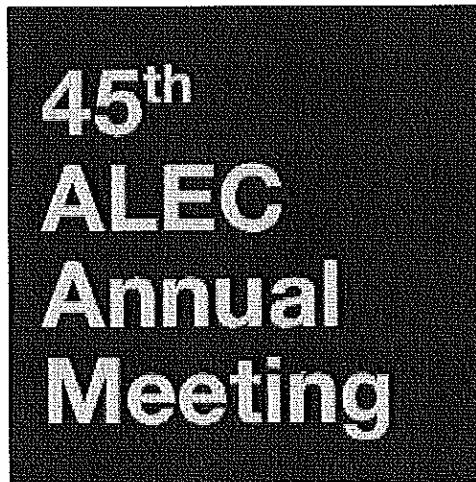
Most would struggle to answer the question since doing so would first require them knowing how much they pay in taxes at the pump. Americans are more likely to know how much they pay in sales taxes than they do in gas taxes. This is due to unique lack of transparency in transactions at gas stations.

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ALEC 45th Annual Meeting

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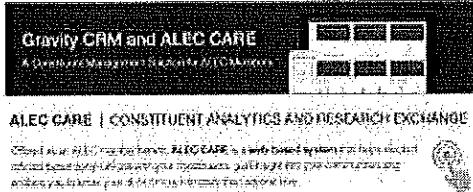


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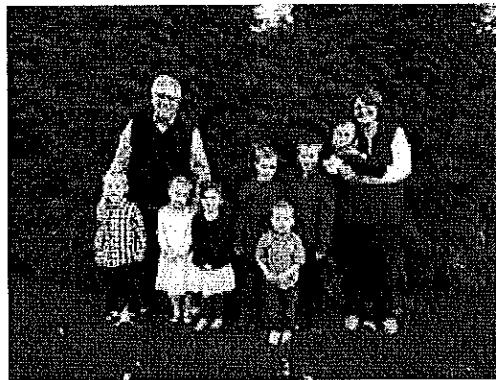


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Associate, Aaron Gillham, at agillham@alec.org.

ALEC-FreedomWorks Legislator of the Week

Working for Families in Indiana

Representative Dale DeVon | IN-5



This week, ALEC and FreedomWorks recognize **Indiana Representative Dale DeVon** as the Legislator of the Week. Representative DeVon is homebuilder and small business owner who recognizes the importance of affordable housing. He also emphasizes the importance of families, having worked as a youth leader in his church and working with at-risk children to help them with a better future.

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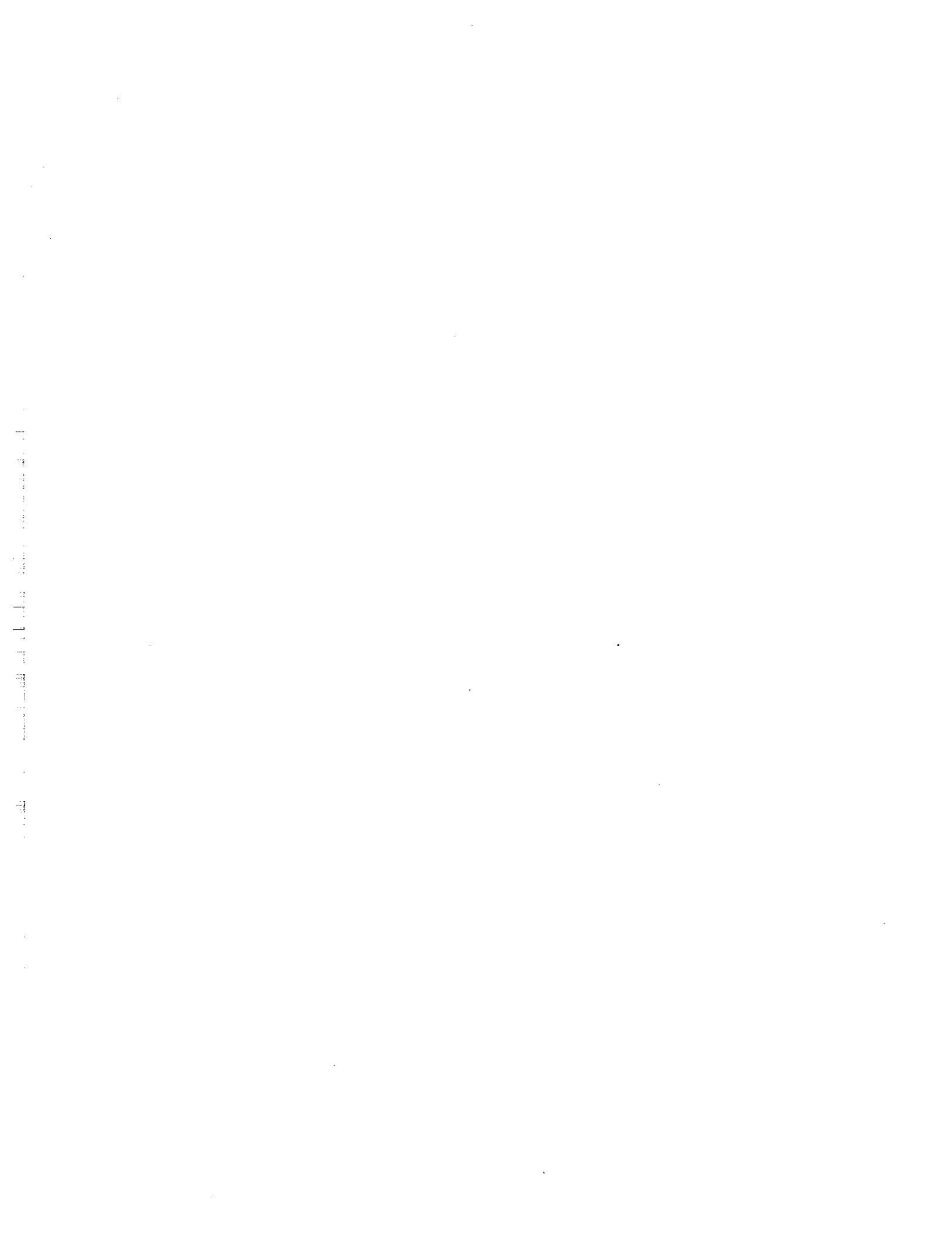
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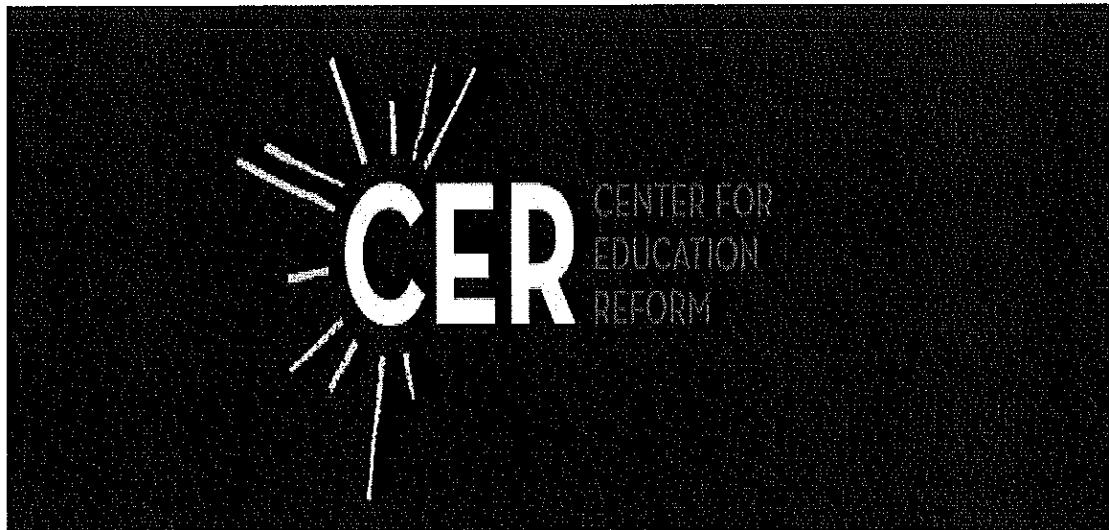
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COUNTDOWN TO CER'S 25TH ANNIVERSARY SUMMIT... it may seem early, but October will be here before you know it, so make your plans now to join CER on October 25-26 in Miami for its Silver Anniversary Summit & Celebration "The Road to Innovation for ONE America." *P.D.* One of the features of the gathering will be our honoring of some of the pioneers of the education reform movement who will be on hand for the event, including Tommy Thompson. As Wisconsin's governor (from 1987-2001) Thompson was one of first high-profile champions of education reform pushing for the creation of the country's first parental school-choice program, which provided Milwaukee families with a voucher to send children to the private or public school of their

choice. He did other great things as governor, too (e.g. welfare reform), and went on to build a remarkable career of public service, including a stint as Secretary of Health and Human Services under George W. Bush, but he'll always be tops in our book for his commitment to, and success in, achieving substantive education reform.

MEANWHILE BACK AT THE RANCH... Last Sunday night NBC News aired a charter school story that argues charters are increasingly geared to support "white flight." If the claims weren't so outlandish and unfounded, it would be laughable. The producer, who was incredibly open to receiving information countering these allegations, based his report on an analysis performed by the Hechinger Report. In one of the documents CER supplied, we demonstrated Hechinger's bias against charter schools, as well as the folly of the argument. [Read more...](#)

A DOUBLE DOSE OF REALITY... This week Jeanne Allen interviewed [Erica Komisar](#), author of "Being There: Why Prioritizing Motherhood in the First Three Years Matters." Based on more than two decades of clinical work and breakthrough neurobiological research on caregiving, attachment and brain development, her book challenges established concepts (and myths) of infant resiliency, 'having it all' and even the definition of feminism. One thing this book is not about is quitting your job. "It's not about working vs. not working – it's really a book about more is more." Also on Reality Check, an attorney for Mark Janus from the [Liberty Justice Center](#) shares his thoughts on the likely outcome of the high court's pending decision.

Find the podcasts at [edreform.com/realitycheck](#) and on [National Review](#).

WHEN IT RAINS IT POURS... Just as the AFT and NEA are bracing for the ruling from SCOTUS in the Janus v. AFSCME case, [teachers in New York state have filed a class-action suit](#) claiming (correctly, we might add) that they are being illegally forced to cough up union dues even if they're not union members. This is in response to NY's new law, signed by Gov. Andrew Cuomo

last April, mandating that all teachers pay a New York State United Teachers “agency fee” regardless of their membership status. Supporters say all teachers benefit from pay hikes and perks secured by the union and should subsidize those efforts. In a suit filed Thursday the two teachers who brought the case say (correctly, we might add) that they oppose “NYSUT’s political advocacy and collective bargaining activities” and shouldn’t have to fund them. Yep.

In Other News...

MORE THAN REASONABLE... The Reason Foundation has put out a great piece on school funding. Although titled “Five Recommendations to Solve LAUSD’s Looming Fiscal Crisis” its applicable, in parts or in whole, to school funding crises around the country and is worth the read.

SUNSHINE STATE SUCCESS... Former Florida Senate Education Chairman, John Legg, recently summed up Florida’s great, new K-12 scholarship program. “... [it] is conceptually reminiscent of the free tutoring programs developed by bipartisan education advocates under the federal No Child Left Behind Act. This scholarship is driven by the educational principle that children must learn to read so they can then read to learn.” Notably the program doesn’t try to simply thread more money into district elementary reading budgets but instead provides a reading scholarship, which gives parents the decision on how to spend it. And why is that a better approach, Legg was asked: “The parent is the most influential person in the child’s life.”

A PROGRESSIVE POINT OF VIEW... Also of note this week, a passionate op-ed on educational opportunity for all, titled “Progressive, affluent parents who send their kids to good schools shouldn’t deny others that right.” An excerpt: “Simply put, I’m a progressive. So it troubles me deeply to hear self-styled progressives attack educational options that other parents choose for their children. Worse, these attacks on the educational choices that lower-income parents and parents of children with special needs make almost always

come from progressives of higher means. We have a recommendation for that: Check your privilege. I support educational choice for all. Educational options have existed for the wealthy for as long as anyone can remember. What's controversial is when we suggest that those same options should be open to everyone." Amen.

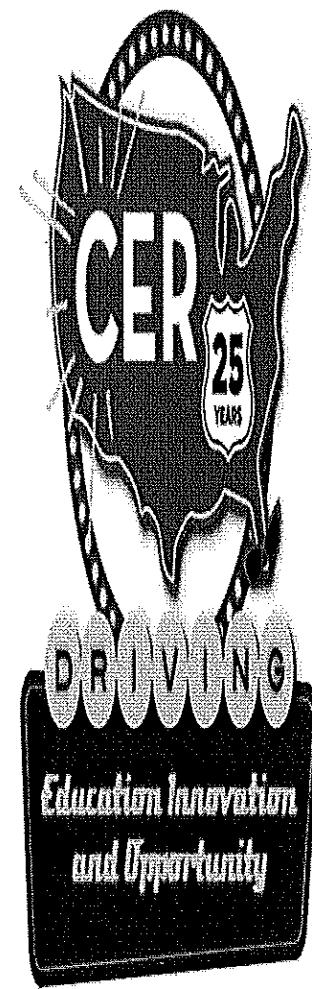
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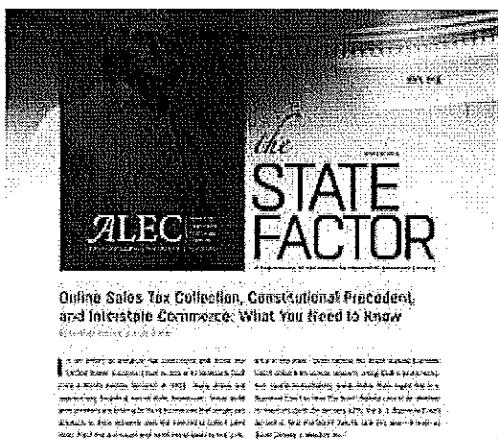
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Learn More About Internet Sales Tax Ahead of Upcoming *Wayfair* Decision Center for State Fiscal Reform

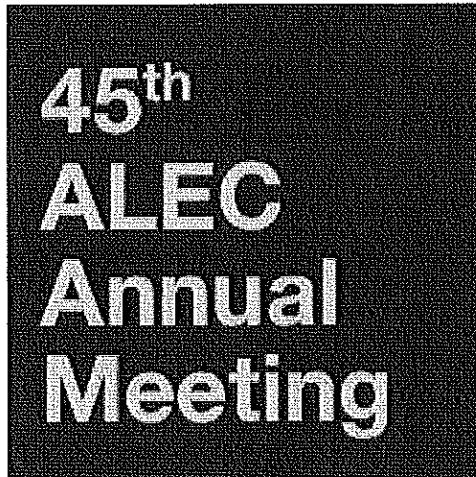


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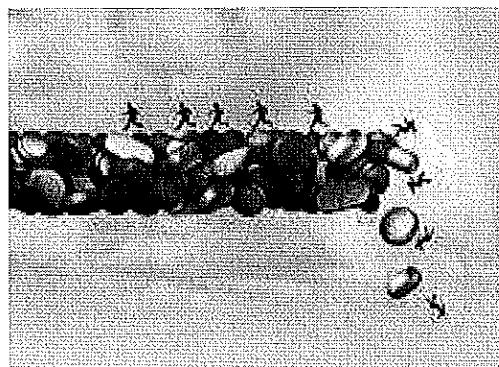
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Legislator Voices

On Opioids, Congress Can Learn from the States

Rep. John Nygren | WI-89 | Washington Examiner



"While no one denies the criminal component of illegal opioid use, legislators must address the opioid epidemic in the same way as we treat other public health issues — by treating the disease. For three years, I've read about increased awareness of the looming national epidemic, but state legislators have been debating and developing solutions — state-by-state — for almost a decade."

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Worker Freedom

Janus v. AFSCME: “Let Me Out”

Michael Slabinski and Ben Moulton | Commerce, Insurance, and Economic Development



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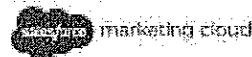


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ALEC Digital Exchange, June 21, 2018



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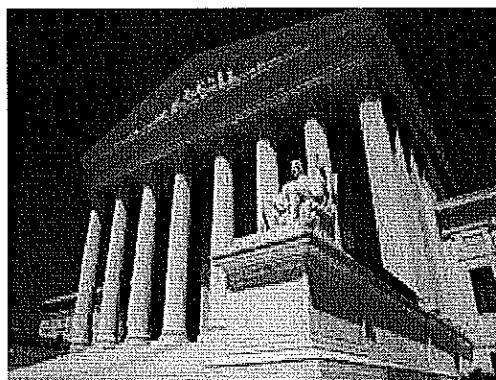


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Online Sales Tax

ALEC Statement on *South Dakota v. Wayfair* Decision

American Legislative Exchange Council

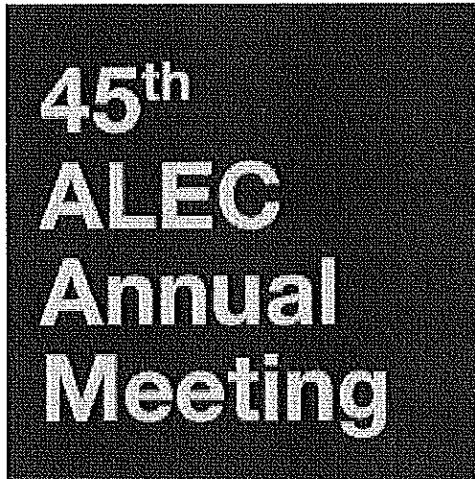


The Supreme Court today released their decision in *South Dakota v. Wayfair*, concerning the collection of sales tax for online retailers. ALEC has released a statement on the decision in the case, for which the organization has previously submitted an [Amicus Brief](#).

[View Statement](#)

ALEC 45th Annual Meeting

Early Bird Rates End Soon, Register for the 45th ALEC Annual Meeting Today
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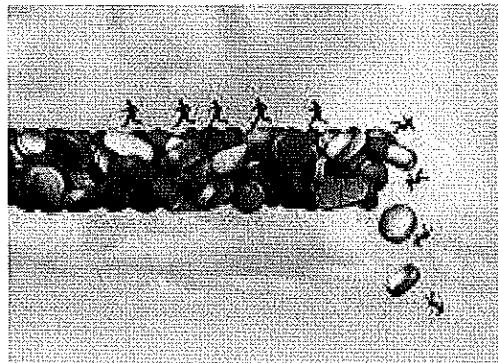
Registration is now open for the 45th ALEC Annual Meeting. Early bird rates expire June 27, so register soon to get the best value. The meeting will take place **August 8-10 in New Orleans, Louisiana**. ALEC looks forward to seeing you in New Orleans. To register or learn more about the meeting, follow the link below.

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Legislator Voices

On Opioids, Congress Can Learn from the States

Rep. John Nygren | WI-89 | *Washington Examiner*



"While no one denies the criminal component of illegal opioid use, legislators must address the opioid epidemic in the same way as we treat other public health issues — by treating the disease. For three years, I've read about increased awareness of the looming national epidemic, but state legislators have been debating and developing solutions — state-by-state — for almost a decade."

[Read Article](#)

ALEC-FreedomWorks Legislator of the Week

Good Leadership in Kansas

Sen. Susan Wagle | KS-30



This week, ALEC and Freedomworks introduce **Kansas Senator Susan Wagle** as this week's Legislator of the Week. Senator Wagle has served since 2013 as the 47th Senate President of Kansas. Prior to her time in the Senate, she was also the Speaker *pro tem* in the Kansas House of Representatives. Senator Wagle is a proponent of government transparency in contracting, stating "Transparency in these matters protects the contracts from political cronyism."

[Read Article](#)

Worker Freedom

Janus v. AFSCME: “Let Me Out”

Michael Slabinski and Ben Moulton | Commerce, Insurance, and Economic Development

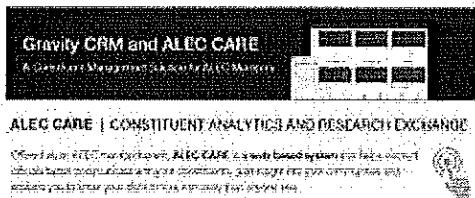


An upcoming important U.S. Supreme Court decision, *Janus v. AFSCME*, will once again put the issue of union fees as a condition of employment back on the table. If Mark Janus wins his case against the American Federation of State, County and Municipal Employees, millions of government workers across the country will no longer be forced to pay union dues that violate their First Amendment right.

[Read Article](#)

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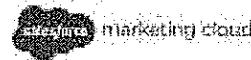
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From: Heartland Government Relations
Sent: Friday, June 22, 2018 1:02 PM
To: Rep48
Subject: The Leaflet: Millions May Soon Gain the Right to Work



Millions May Soon Gain the Right to Work

The U.S. Supreme Court will soon release its ruling on the viability of public sector unions.

In the landmark case *Janus v. American Federation of State, County, and Municipal Employees* (AFSCME), the court will determine whether forced union dues are an infringement of state and local government workers' rights to freedom of speech and association.

Proponents of "open shop" or "right-to-work" (RTW) laws are confident the court will overturn *Abood v. Detroit Board of Education* (DBE), a 1977 Supreme Court decision that upheld the right for public unions to collect "fair share" or "agency fees" from non-union employees. The plaintiff in *Janus v. AFSCME*, Mark Janus, is an Illinois state employee who argued agency fees are a violation of his First Amendment rights, especially given the inherent political nature of public sector collective bargaining.

Although it is illegal to compel union membership, non-union public workers in states without RTW must often fork over agency fees to unions. These fees are used to support union collective bargaining activities and contract enforcements. Currently, state laws mandate all union and non-union public employees are represented in the collective

bargaining process by a democratically elected union, which becomes the exclusive bargaining representative.

Opponents of RTW laws argue workers who opt out of union membership should pay a fee, albeit one that is lower than union dues. Furthermore, RTW foes contend non-union employees receive the advantage of union-negotiated collective-bargaining agreements, such as high wages and top-tier benefits.

In a new *Research & Commentary*, Heartland Senior Policy Analyst Matthew Glans comments on the ramifications of a ruling in favor of Janus. "In anticipation of the upcoming ruling, many states have passed new laws, either strengthening unions or making it easier for state workers to opt out without penalties," Glans wrote.

Instead of imposing rules limiting workers' freedoms, Glans argues, "States can implement paycheck protection laws, and give workers control over their wages. States can also implement an opt-in standard for union participation, where a new worker has to choose to be in a union when they start a new job, instead of choosing to opt out. If ending the current opt-out standard is not possible, states can improve the process by requiring an opt-out only once per job or when a worker changes jobs, instead of having to wait until the end of a 12-month period."

Currently, 28 states have RTW laws, and a decision in favor of Janus should not deter the 22 other states from passing RTW laws. These laws govern all employees within the state, so both private- and public-sector workers are not obligated to pay union fees as a condition of employment. In the wake of *Janus v. AFSCME*, state legislators should pass "open shop" laws to secure the fundamental right to free speech and association for millions of workers and to grant workers sufficient notice and time to make an informed decision regarding union membership.

What We're Working On

Education

Funding Formula Committee Has Chance to Transform Public Education in Idaho

In this *Research & Commentary*, Policy Analyst Tim Benson examines how for the first time since 1994 Idaho's Public School Funding Formula Committee is considering dramatically altering the method the state uses to allot public school funding. To accommodate budgetary concerns and revolutionary shifts in the classroom, the committee will recommend changes that could be implemented in the 2019 legislative session. Benson argues the committee has an opportunity to fundamentally transform public education in Idaho by shifting the funding formula to a child-centric model, where funding follows students, not schools.

Energy & Environment

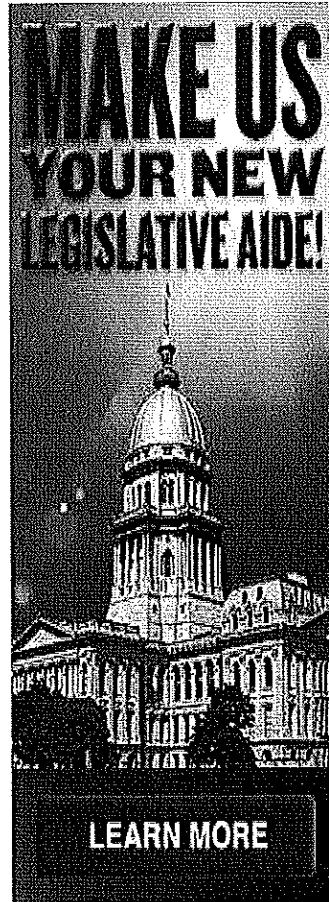
The Social Benefits of Fossil Fuels

This *Policy Brief* by Senior Fellows Joseph Bast and Peter Ferrara documents the many benefits from the historic and still ongoing use of fossil fuels. Fossil fuels are lifting billions of people out of poverty, reducing all the negative effects of poverty on human health, and vastly improving human well-being and safety by powering labor-saving and life-protecting technologies, such as air conditioning, modern medicine, and cars and trucks. Fossil fuels are also dramatically increasing the quantity of food humans produce and improving the reliability of the food supply, directly benefiting human health. Additionally, fossil fuel emissions are contributing to a "Greening of the Earth," benefiting all plants and wildlife.

Budget & Tax

Increasing Vaping Tax Would Hurt New Jerseyans Trying to Quit

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans and State Government Relations Manager Lindsey Stroud examine a new tax on vaping products now under consideration in New Jersey. "Imposing excise taxes on vapor products are not justified from a public health



POLICY NEWSPAPER

perspective, and it removes a prime economic incentive for smokers to improve their health by switching to e-cigarettes," wrote Glans and Stroud.

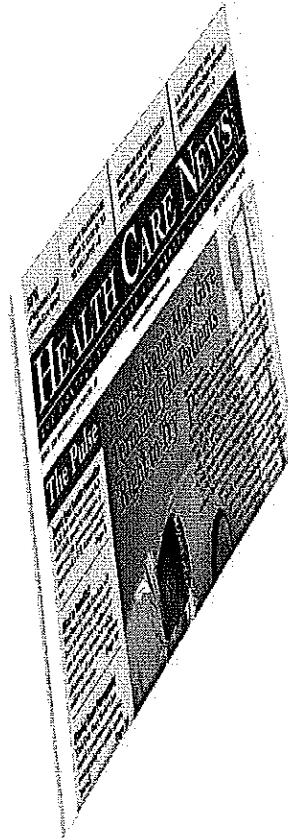
Health Care

Free To Choose Medicine in Japan: A Model for America

In this Heartland Policy Brief, Research Director Edward Hudgins examines Japan's efforts to adopt a Free To Choose Medicine model for cutting-edge tissue based cures. Hudgins also explains why Japan's success should encourage lawmakers in the United States to adopt a similar model here. "The United States is the world's leader in medical innovations, but Japan has become the innovative world leader in creating a drug-approval process that quickly makes medical breakthroughs accessible to the patients who need them the most. American policymakers need to learn from the Japanese example to ensure U.S. medical innovators do not lose their competitive edge and that the goal of these innovations is achieved: preventing and curing illnesses," wrote Hudgins.

From Our Free-Market Friends

Illinois Lawmaker Proposes Making Chicago Its Own State
In this piece published by the Illinois Policy Institute, Joe Kaiser writes about Illinois state Rep. Reggie Phillips' proposal urging "Congress to take action to declare the City of Chicago the 51st state." The possibility of Chicago becoming a state was once proposed by state Rep. Bill Mitchell, in 2011. The previous effort proved to be unsuccessful and didn't gain much support, and this new proposal looks as though it will have the same fate, as it was not voted on prior to the end of the legislative session in May. Kaiser makes the argument that "politicians would be better served focusing on reforms to make the entire state competitive," which would eliminate the contention between Chicagoans and those in the rest of the state.



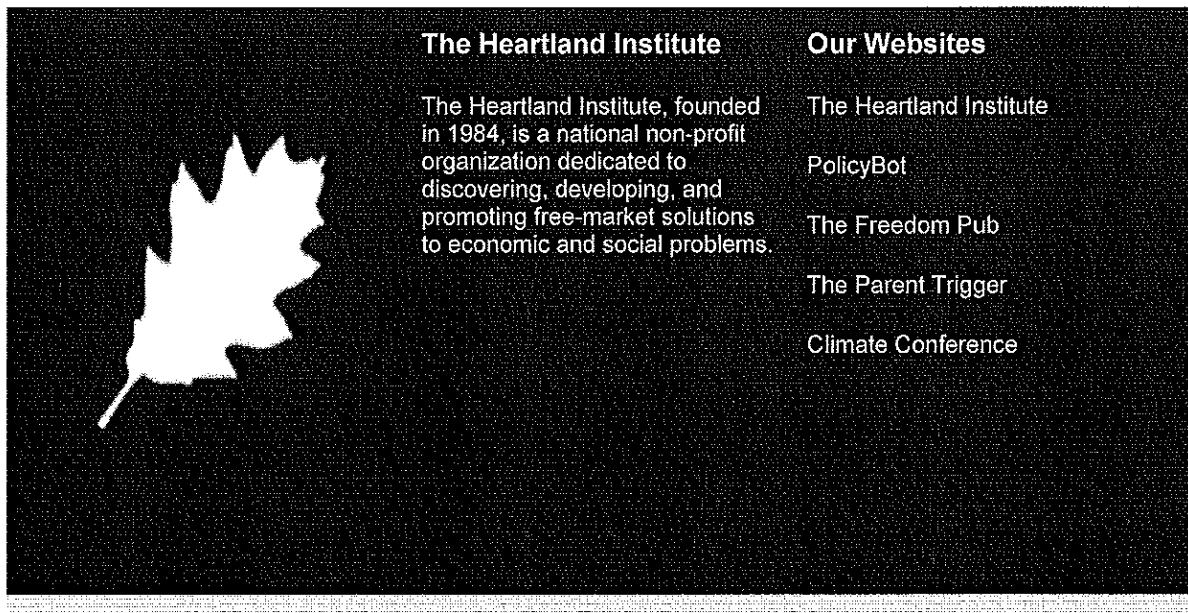
In the June issue of *Health Care News*, Zachary Williams reports on the Trump administration's new proposals to lower prescription drug prices. The proposals feature four pillars: improved competition, better negotiation, incentives for lower list prices, and

reducing out-of-pocket costs.

School Reform News

Environment & Climate News

Budget & Tax News



The Heartland Institute

The Heartland Institute, founded in 1984, is a national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.

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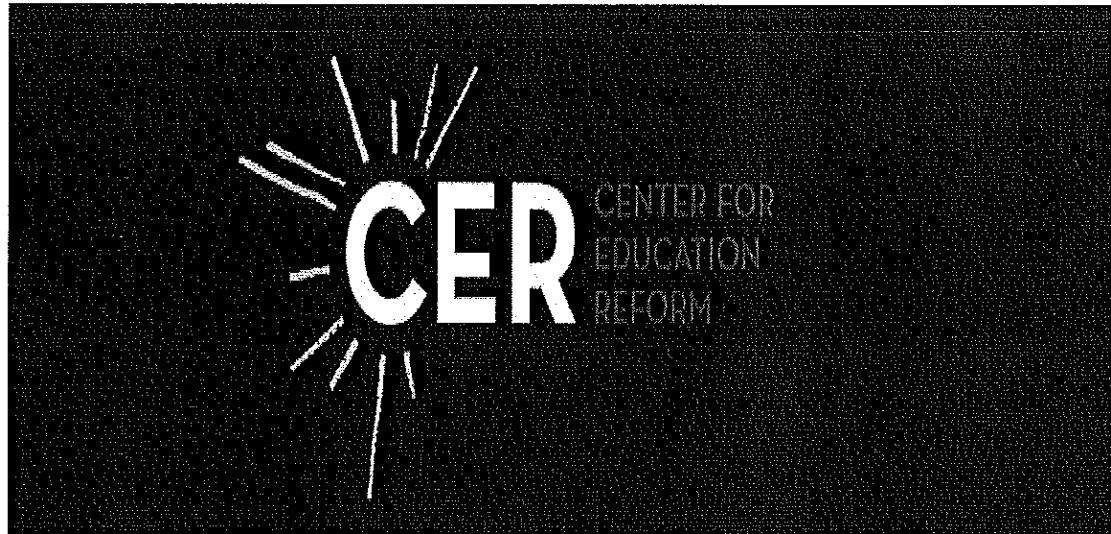
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FOR IMMEDIATE RELEASE

June 21, 2018

CONTACT: Mary Riner

(202) 750-0016 | mary@edreform.com

U.S. Supreme Court Rules in favor of Mark Janus in *Janus v. AFSCME*

Statement by Jeanne Allen, Founder & CEO

It's a great day in Washington, DC! The high court's decision strikes a blow for the freedom guaranteed to individuals under the constitution. No citizen of the United States can be compelled to support speech that he or she does not believe in or endorse, and by upholding that constitutional protection, the court has affirmed a critical principle of freedom.

This is good news for the nation, for thousands of educators who have long been exploited by the teachers unions, and for families whose educational opportunities have been compromised by their political activity. When it comes to education, the most fundamental of all policies that shape our futures, no longer can the union compel people to support activities and positions regardless of principle.

In affirming the position of Mark Janus, the United States Supreme Court finally ends the decades-long assault on worker freedom. While unions, particularly the teachers' unions, have and will continue to decry the ruling, they would do well to look beyond the revenue-generating dollars-and-cents loss that it will entail and see the opportunity that it presents – the opportunity to secure support for their work based not on coercion, but on voluntary support from those who truly believe in the ideas, actions and pronouncements of any association to which they now may truly choose to belong.

Education in America is in the midst of a major transformation, which is struggling to realize its full potential in the face of limiting contractual and oppositional forces. From apathy to lack of knowledge to deliberate impediments created by unions, these obstacles have kept education from advancing into 21st century.

The unions now have a chance to join the movement, and embrace the cause of improving education for parents seeking new opportunities for their children, and for children in need of opportunities for innovative individualized learning options, or they get out of the way entirely. While hope springs eternal, we doubt, sadly, that wither will occur. Thankfully, however, teachers will now be able to exercise their own power in impacting the needs of children and families in the education process and policies supporting it.

Kudos to the Court, to Mark Janus, to Rebecca Friedrichs who began the journey before him, and to all who are engaged in the fight for liberty and justice.

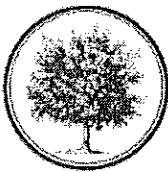
Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans –

particularly our youth & O ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

The Center for Education Reform
1455 Pennsylvania Ave, NW, Suite 250
Washington, DC 20004

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Subject: The Buckeye Institute's President and CEO Robert Alt: *Janus v. AFSCME* Decision a Victory for Workers and First Amendment



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
June 27, 2018

The Buckeye Institute's President and CEO Robert Alt: *Janus v. AFSCME* Decision a Victory for Workers and First Amendment

Columbus, OH -- Robert Alt, president and chief executive officer of **The Buckeye Institute**, issued the following statement on the U.S. Supreme Court's decision in *Janus v. AFSCME*.

"The Supreme Court today in *Janus v. AFSCME* announced its basic rule of human decency and common sense: consent matters-and our hardworking public-sector workers can no longer be forced to pay for political speech or other activities without their affirmative consent."

The Buckeye Institute also announced the launch of its **WorkersChoose.org** website to assist public-sector workers with information about how to notify their unions about whether they would like to consent or not.

#

Related Content:

Robert Alt Statement Following Oral Arguments in *Janus v. AFSCME*, February 26, 2018

The Money Behind Janus: It's Deja vu All Over Again, By Robert Alt, *National Review*, February 26, 2018

Robert Alt Statement: Unions Should Rally Behind the First Amendment Rights of All Public Employees, February 24, 2018

The Buckeye Institute Files Amicus Brief in Janus Case, December 6, 2017

It's Time for Public Sector Workers to be Given a Voice and Choice, By Robert Alt, *Forbes*, November 27, 2017

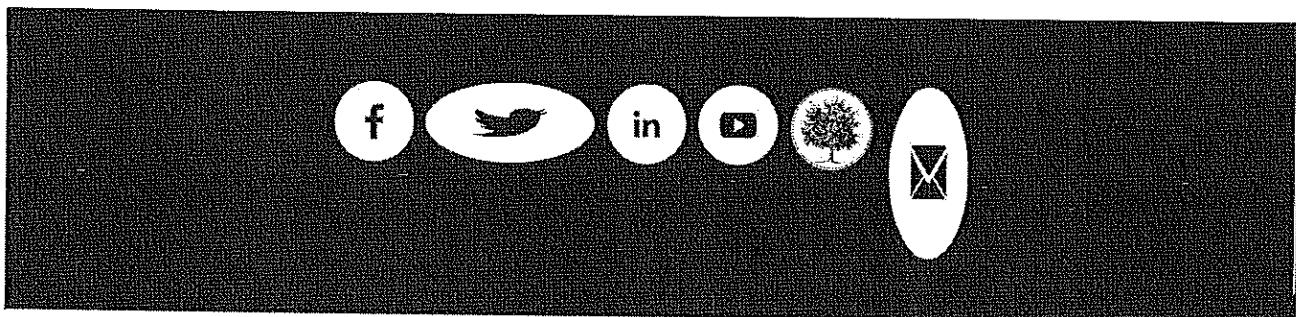
Supreme Court Takes Up *Janus v. AFSCME*, September 28, 2017

The Buckeye Institute Files Amicus Brief in *Janus v. AFSCME* Supporting Free Speech, July 20, 2017

#

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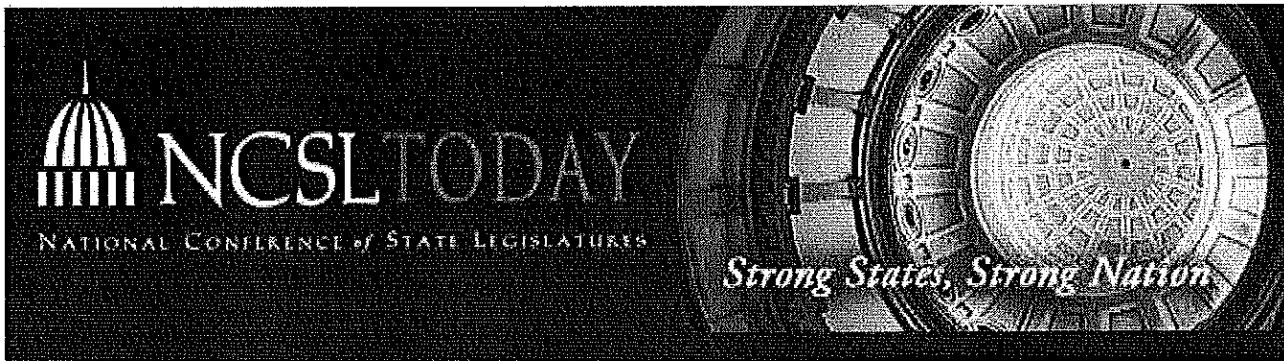
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TOP NEWS June 28, 2018

States cracking down on streaming video while driving

USA TODAY

Georgia isn't the only state to single out streaming as a new danger. A Washington state law, the Driving Under the Influence of Electronics Act, in January was the first to specifically mention video on phones. It even makes it illegal for Washington drivers to sneak a peek at their smartphone when stopped in traffic or at a stoplight, though they can touch a mounted or in-dash screen.

NCSL's Annie Kitch quoted.

[NCSL resources on distracted driving.](#)

'Now comes the interesting part' with online sales tax collections

Route Fifty

The court ruling in *South Dakota v. Wayfair, Inc.* has



also left complicated questions in its wake. Like what the specifics of new state policies could look like, whether Congress will take action, and how companies that sell goods online will react. NCSL's Max Behlke quoted.

Maine legislature passes sweeping medical marijuana reform bill

Portland Press Herald

The bill, which now goes to Gov. Paul LePage, would let caregivers expand their business operations. For example, they could hire more than one worker, and sell up to 30 percent of their harvest to other caregivers and dispensaries.

[NCSL resources on medial marijuana.](#)

Ohio legislature passes blockchain legislation

Cleveland.com

Ohio is close to becoming the latest state to offer legal support for blockchain-based business transactions, following a Wednesday vote by the state's General Assembly.

[NCSL LegisBrief on blockchain technology.](#)

South Carolina lawmakers OK rate cuts for failed nuclear plants

Associated Press

South Carolina lawmakers have approved a temporary rate cut of nearly 15 percent for customers of a private utility who paid billions for two nuclear reactors that never produced power.

Webinar 3 p.m. ET TODAY Federal infrastructure funding - an update while we wait

One of the most talked-about possibilities for federal action in 2018 is a new infrastructure bill that aims to inject what nearly all experts agree is a significant boost of funds for many of our national infrastructure systems.



= A

2017 state tax actions

Hear from thought leaders at NCSL's Legislative Summit July 30-Aug. 2

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Supreme Court deals blow to unions in Janus case

The U.S. Supreme Court held 5-4 in *Janus v. AFSCME* that state statutes allowing public sector employers and unions to agree that employees who don't join the union must still pay their

Commercial spaceports still waiting for liftoff

Stateline

Communities are eager to tap into the growing commercial space industry.

"fair share" of collective bargaining costs violate the First Amendment.



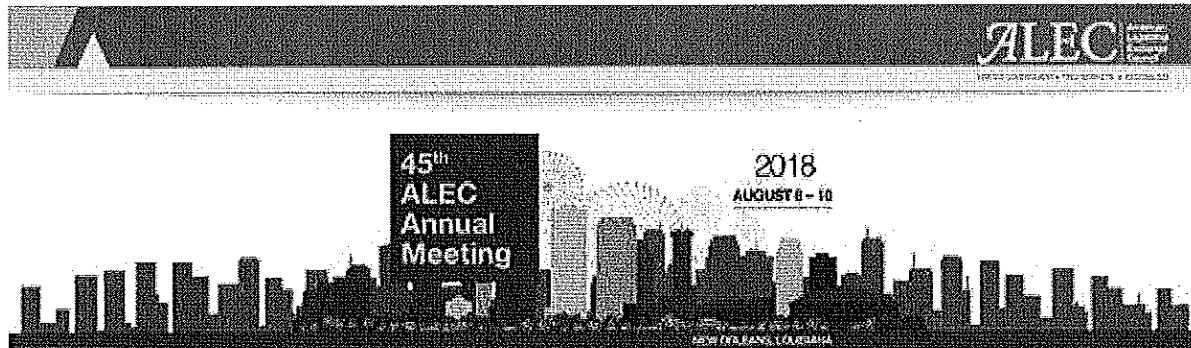
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ALEC Statement on *Janus v. AFSCME* Decision

American Legislative Exchange Council



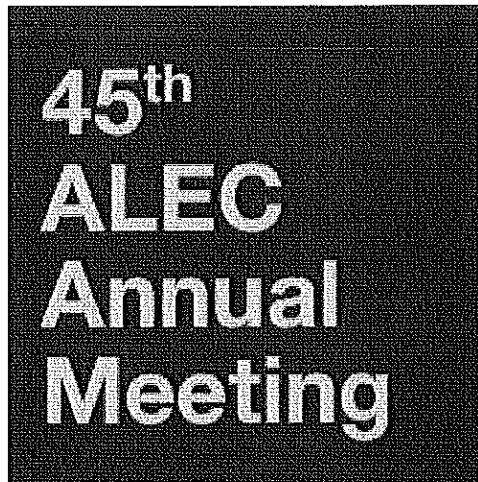
Yesterday, the Supreme Court released its decision in [Janus v. AFSCME](#), which concerns the mandatory collection of union fees. Click below to see the ALEC statement on the decision and to see why it represents a victory for free speech.

[View Statement](#)

ALEC 45th Annual Meeting

Register for the 45th ALEC Annual Meeting Today

American Legislative Exchange Council



Registration is currently open for the 45th ALEC Annual Meeting. The meeting will take place **August 8-10 in New Orleans, Louisiana**. Don't miss your opportunity to hear from Secretary of Transportation **Elaine Chao** and other top policymakers. To register or learn more about the meeting, follow the link below.

[Register Here](#)

Free Speech

ALEC-Influenced Free Speech Legislation Becomes Law in Louisiana

Corbin Robinson and Shelby Emmett | Center to Protect Free Speech



Louisiana recently took a step in the right direction to protect the First Amendment rights of individuals on public university and college campuses. Legislators wishing to follow in Louisiana's footsteps can find a positive starting point in the American Legislative Exchange Council's model policy: the Forming Open and Robust University Minds (FORUM) Act.

[Read Article](#)

ALEC-FreedomWorks Legislator of the Week

Finding Solutions in Ohio

Rep. Bill Seitz | OH-30



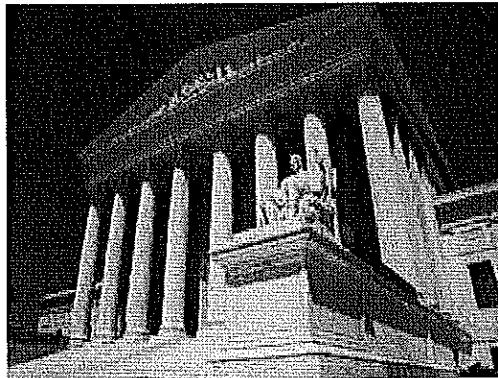
This week, ALEC and Freedomworks introduce **Ohio Representative Bill Seitz** as this week's Legislator of the Week. Representative Seitz has served in both houses of the Ohio Legislature and is familiar with the issues facing his state. Of particular importance to Representative Seitz are prison overcrowding, combatting the opioid epidemic and the development of a comprehensive energy policy for Ohio.

[Read Article](#)

Supreme Court

Single Retirement May Change Balance of Power on the Supreme Court

Ronald J. Lampard | Criminal Justice

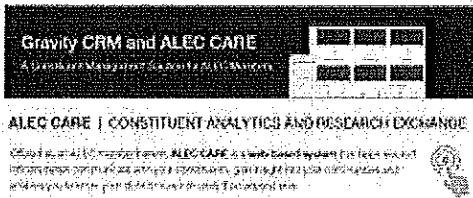


Yesterday, Justice Anthony Kennedy announced his retirement, effective July 31. With the upcoming midterm elections, both Democrats and Republicans will seek to rally their respective bases as the nomination process of Kennedy's successor moves forward.

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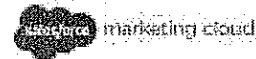


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From: Public Policy Law360
Sent: Friday, June 29, 2018 5:13 AM
To: Rep48
Subject: Roberts Becomes True Power As 'Kennedy Court' Ends



Friday, June 29, 2018



KENNEDY RETIRES

Analysis

Roberts Becomes True Power As 'Kennedy Court' Ends

The retirement of Justice Anthony Kennedy means that Chief Justice John Roberts is now the U.S. Supreme Court's most important member not just in title but also in reality, empowering him to advance a muscular conservative agenda and perhaps broker deals with outgunned liberals. [Read more »](#)

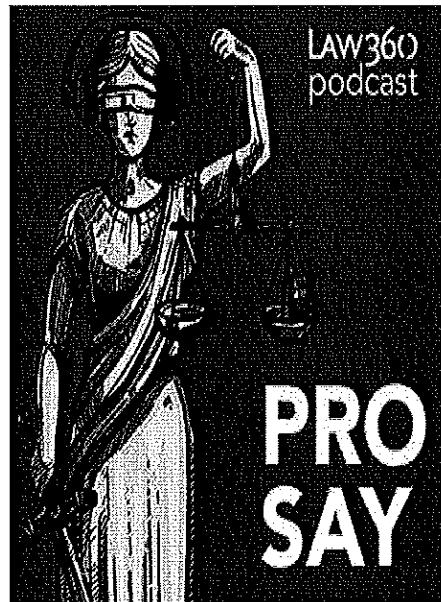
Delay On Kennedy Replacement 'Ain't Going To Happen': GOP

High-ranking Republicans on the Senate Judiciary Committee stood firm Thursday on keeping Majority Leader Mitch McConnell's promise to vote this fall on a replacement for retiring U.S. Supreme Court Justice Anthony Kennedy, with one saying Democrats' calls to wait until after the November midterms "ain't going to happen." [Read more »](#)

Analysis

Why The Defense Bar Celebrates Kennedy

Associate Justice Anthony Kennedy spent his three decades on the high court making a name for himself as a champion of individual freedoms, but he also authored the majority opinion in *Ashcroft v. Iqbal* that changed



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corporate litigation so much, it is cited in nearly every dismissal bid and has become the bane of the plaintiffs bar. Read more »

Analysis

Post-Kennedy Court Likely To Take Narrow View Of Title VII

A circuit split on whether Title VII's ban on workplace sex discrimination includes bias based on sexual orientation had civil rights advocates hoping the U.S. Supreme Court would eventually declare that federal law protects gay workers, but Justice Anthony Kennedy's retirement means that's a long shot, experts say. Read more »

Analysis

Kennedy's Exit Puts Climate Change Regulations On Thin Ice

The retirement of U.S. Supreme Court Justice Anthony Kennedy throws the future of federal climate change action into doubt, as experts say a more conservative high court could not only undo or neuter its landmark decision that greenhouse gases are pollutants, but also scuttle legal challenges of governmental decisions to regulate climate change and other environmental hazards. Read more »

Analysis

Kennedy Known For Careful Scrutiny Of Statutory Language

Retiring Supreme Court Justice Anthony Kennedy is known — and will be missed — for his meticulous scrutiny of the language of the law, a characteristic that can be found in abundance in a 2008 majority opinion written by Kennedy that placed limits on who could be held liable in securities fraud class action cases, legal experts said Thursday. Read more »

TOP NEWS

Analysis

Presidential Power Key In Masterpiece, Travel Ban Divergence

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Cases at the U.S. Supreme Court this term over President Donald Trump's travel ban and a baker's refusal to make a wedding cake for a gay couple involved strikingly similar claims related to religious-based animus, but ultimately diverged because the justices chose not to second-guess the president's motives, constitutional scholars said. [Read more »](#)

Analysis

Nixing Trump's Favorite Trade Weapon Looks Like Long Shot

A new challenge to the expansive Cold War-era law President Donald Trump has used to slap tariffs on steel and aluminum imports will face a steep uphill climb, legal experts say, as the case will have to overcome nearly a century's worth of precedent on the constitutional separation of powers. [Read more »](#)

Senate Panel Punts On 3rd, 11th Circ. Picks Over Tariffs

The Senate Judiciary Committee advanced several district court picks on Thursday, even as Sen. Jeff Flake, R-Ariz., has continued to stonewall advancing nominees for the Third and Eleventh circuits until the chamber votes on a tariff measure. [Read more »](#)

Senate Passes Farm Bill, Sets Up Clash With House

The U.S. Senate passed a five-year overhaul and reauthorization of farm subsidy and nutrition support programs Thursday, setting up a clash with the House over work requirements for the food stamp program. [Read more »](#)

BANKING & SECURITIES

Deutsche Bank Unit Comes Up Short In Fed Stress Tests

The Federal Reserve Board said Thursday that Deutsche Bank Trust Corp.'s U.S. subsidiary has flunked the latest round of annual stress

Hughes Hubbard
 Hunton Andrews Kurth
 Jackson Lewis
 Jenner & Block
 Kasowitz Benson
 Katten Muchin
 Kelley Drye
 Kellogg Hansen
 Kelly Hart
 King & Spalding
 Kirkland & Ellis
 Kramer Levin
 Latham & Watkins
 Littler Mendelson
 Lowenstein Sandler
 Manatt Phelps
 Mayer Brown
 McDermott Will
 Milbank Tweed
 Miller Canfield
 Morgan Lewis
 Morris Manning
 Morrison & Foerster
 Munger Tolles
 Patterson Belknap
 Paul Hastings
 Paul Weiss
 Perkins Coie
 Polsinelli
 Quinn Emanuel
 Reed Smith
 Robins Kaplan
 Rosette LLP
 Sanford Heisler
 Scali Rasmussen
 Sedgwick LLP
 Seyfarth Shaw
 Sidley Austin

testing over "material weaknesses" in its capital planning practices, while The Goldman Sachs Group Inc. and Morgan Stanley will have to keep buybacks and dividends steady because of side effects from last year's tax legislation. [Read more »](#)

ENERGY & ENVIRONMENTAL

FERC Commissioner Powelson To Step Down In August

Federal Energy Regulatory Commissioner Robert Powelson said Thursday he will step down in August, creating an even partisan split at the commission as it tackles weighty issues such as a pipeline policy revision and a potential U.S. Department of Energy bailout of coal and nuclear power plants. [Read more »](#)

Agencies Fight Tribes' Bid To Force Higher Lake Water Levels

Several federal agencies on Wednesday urged a California federal judge to reject the Klamath Tribes' request to immediately make the government maintain certain water levels in the Upper Klamath Lake for the protection of two fish species, arguing that the tribes are unlikely to win the case. [Read more »](#)

NJ Town Joins Growing Resistance To Plastic Bags

Jersey City, New Jersey, enacted an environmentally friendly ordinance Thursday banning merchants from using carryout bags made of plastic, following the lead of other Garden State towns that have identical laws in place and state lawmakers who want to curb the use of nonrecyclable takeout containers. [Read more »](#)

IP & TECHNOLOGY

Senate Panel Advances Bill To Overhaul Music Licensing

The Senate Judiciary Committee moved forward Thursday with a bill that would

Sills Cummis
Simpson Thacher
Skadden
Somach Simmons
Stroock & Stroock
Thompson & Knight
Vinson & Elkins
Weil Gotshal
Wiley Rein
Williams & Connolly
Willkie Farr
WilmerHale

COMPANIES

AT&T Inc.
Airbnb Inc.
Amazon.com Inc.
American Cable Association
American Civil Liberties Union
American Electric Power Co. Inc.
American Express Company
American Federation of Government Employees
American Federation of Labor and Congress of Industrial Organizations
American Federation of State, County and Municipal Employees
American Federation of Teachers
Ansell Limited
Apple Inc.
Business Roundtable
Charter Communications Inc.
Chevron Corp.
Comcast Corporation
Concho Resources Inc.
Deutsche Bank AG
Dominion Energy Inc.
EQT Corp.
Facebook

overhaul how Spotify and other online music services pay royalties, as well as how license holders for pre-1972 hits are compensated. [Read more »](#)

MEDIA & ENTERTAINMENT

Pa. Casinos Threaten To Sue Over Slot-Style Lottery Games

The operators of Pennsylvania's casinos are threatening a lawsuit over new online lottery offerings from the state that they say violate recently adopted gambling laws by improperly replicating casino-style games. [Read more »](#)

REAL ESTATE

NJ City Accused Of Anti-Trump Bias In Kushner Project Fight

Jersey City has been slammed with a New Jersey federal lawsuit alleging municipal officials have attempted to drive out the real estate development firm owned by the family of White House senior adviser Jared Kushner as a partner in a redevelopment project because of the mayor's "political animus" toward Republican President Donald Trump. [Read more »](#)

EMPLOYMENT

4 Post-Janus Developments You Need To Know

Although the ink is barely dry on the U.S. Supreme Court's landmark Janus decision barring public-sector unions from collecting so-called fair share fees from workers, the ruling has spurred quick actions to handle the fallout, including from congressional Democrats, nearly two dozen mayors and a right-to-work nonprofit. Here, Law360 looks at four post-Janus developments to keep tabs on. [Read more »](#)

NJ Agency Must Turn Over Complaints In Racial Bias Suit

First Interstate BancSystem Inc.
First Reserve Corp.
Goldman Sachs Group Inc.
Google Inc.
Honeywell International Inc.
Huawei Technologies
International Association of Privacy Professionals
JPMorgan Chase & Co.
Kaspersky Lab Ltd.
KeyCorp
Lambda Legal Defense & Educational Fund
Lawyers' Committee for Civil Rights Under Law
Lyft Inc.
M&T Bank Corporation
Microsoft Corporation
Mobilite LLC
Morgan Stanley
NBCUniversal Inc.
National Education Association
National Right to Work Legal Defense Foundation
New York Times Co.
Oculus VR LLC
Public Knowledge
Sabine Oil & Gas Corp.
Schlumberger Limited
Service Employees International Union
Sierra Club
Sinclair Broadcast Group, Inc.
Spectrum Management Holding Co.
Spotify Technology SA
State Street Corp.
Stoneridge, Inc.
Theranos Inc.

A New Jersey appeals court on Wednesday ordered two state agencies to turn over bias complaints in a racial discrimination suit against the agencies, ruling that the state's concerns about the privacy of employees who made those complaints were unfounded. [Read more »](#)

Mass. Gov. Signs Family Leave, Minimum Wage Bill

Republican Massachusetts Gov. Charlie Baker on Thursday signed legislation that will gradually raise the state's minimum wage, implement a family and medical leave policy and make a sales tax holiday permanent, according to his office. [Read more »](#)

COMPETITION

FCC Urged To Halt Sinclair-Tribune Deal Over Rules Review

Nonprofit groups Public Knowledge and Common Cause on Thursday told the Federal Communications Commission to wait before deciding if Sinclair Broadcast Group Inc. can merge with Tribune Media Co. until after the D.C. Circuit has looked at whether the agency's viewership discounts under its UHF rule are lawful. [Read more »](#)

CYBERSECURITY & PRIVACY

DC Circ. Expects Quick Response To Kaspersky's Stay Bid

The D.C. Circuit on Thursday gave the federal government a little more than a week to respond to an emergency request to stay a planned ban on federal contracts for Kaspersky Lab, after the company argued the government had moved up the effective date of the ban. [Read more »](#)

Calif. Enacts Internet Privacy Law, Erasing Ballot Effort

California Gov. Jerry Brown on Thursday signed a landmark privacy bill that will give

Tribune Media Co.

Twitter Inc.

Verizon Communications Inc.

Wells Fargo & Co.

ZTE Corp.

GOVERNMENT AGENCIES

Bureau of Reclamation

California Secretary of State

Confederated Tribes and Bands of the Yakama Nation

Congressional Budget Office

Department of Commerce

European Commission

European Union

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications Commission

Federal Energy Regulatory Commission

Federal Labor Relations Authority

Federal Reserve System

Federal Trade Commission

Fish and Wildlife Service

Florida Department of Environmental Protection

Georgia Attorney General's Office

Internal Revenue Service

International Trade Administration

International Trade Commission

Klamath Tribes

Massachusetts Legislature

NATO

National Marine Fisheries Service

New Jersey Attorney General's Office

Port Authority of New York & New Jersey

consumers the ability to control how online companies use and share their personal information and to request its deletion, prompting the backers of a similar but potentially more stringent privacy initiative set to appear on the November election ballot to withdraw their proposal. [Read more »](#)

AEROSPACE & DEFENSE

House Passes \$675B Defense Spending Bill

The U.S. House of Representatives on Thursday easily passed its nearly \$675 billion bill funding the U.S. Department of Defense for 2019, while rejecting a proposal to add more funding for attack submarines, as a Senate panel approved its own version of the bill. [Read more »](#)

INTERNATIONAL TRADE

Commerce Hands Down Early Tariffs On Asian Pipe Imports

The U.S. Department of Commerce moved to slap tariffs on imports of large-diameter welded pipes from several Asian countries, determining that producers from India, South Korea, China and Turkey had been unfairly subsidized by their respective governments. [Read more »](#)

TAX

IRS Commissioner Nominee Queried On Pass-Through Deduction

Charles Rettig, nominee for Internal Revenue Service commissioner, was questioned Thursday by a member of the Senate Finance Committee about the 20 percent deduction for certain pass-through income included in last year's federal tax overhaul legislation. [Read more »](#)

Calif. Gov. OKs Soda Tax Ban, Citing Beverage Biz Threat

Securities and Exchange Commission

Texas Department of Parks and Wildlife

U.S. Attorney's Office

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

California Gov. Jerry Brown on Thursday signed a measure that blocks cities and counties from enacting taxes on soda and other sugar-filled drinks through 2030, citing the threat of a beverage industry ballot measure that went away with the swipe of his pen. [Read more »](#)

IMMIGRATION

Senate OKs Bill To Grant New Zealanders Access To E Visas

The U.S. Senate on Thursday unanimously passed a bill that would add New Zealand to the list of countries participating in the E visa program, which allows nationals of certain foreign countries to temporarily reside in the U.S. to conduct trade and investment operations. [Read more »](#)

Feds Ordered To Halt Release Policy For NY Detained Minors

A New York federal court on Wednesday ordered the federal government to pause its policy requiring the head of an immigration agency to personally review and sign off on the release of detained minors who have been held in a more restrictive setting, certifying a class of children held in the state. [Read more »](#)

Trump's Remarks Did Not 'Taint' DACA Rollback, 9th Circ. Told

The Trump administration on Thursday urged the Ninth Circuit to find that, under the U.S. Supreme Court's travel ban ruling earlier this week, President Donald Trump's derogatory statements on the campaign trail regarding Mexicans similarly "did not taint" the administration's plan to end the Deferred Action for Childhood Arrivals program. [Read more »](#)

Pro Bono Spotlight BigLaw Jumps Into Immigration Fray

In response to the administration's zero-tolerance and family separation policies,

BigLaw firms across the country are partnering with each other and a constellation of nonprofits to provide pro bono legal aid to parents and children seeking to be reunited and be granted asylum. [Read more »](#)

NATIVE AMERICAN

Law Enforcement Can't Stop Wash. Tribe's Fireworks Sales

A Washington federal court on Thursday granted a request by the Confederated Tribes and Bands of the Yakama Nation for immediate relief to prevent law enforcement from halting their members from selling fireworks sanctioned by tribal permit or confiscating the merchandise. [Read more »](#)

TELECOMMUNICATIONS

FCC's O'Rielly Says Admin Hearings Wrongly Kill Mergers

The Federal Communications Commission's administrative law judge system is one of the easiest ways to strangle a proposed media merger, Commissioner Michael O'Rielly suggested Thursday, saying in a speech that the agency's in-house review process should be scrapped. [Read more »](#)

Municipal Broadband May Present Free Speech Concerns

While municipally operated broadband networks may be an attractive option after the recent net neutrality rule deregulation, an expert warned Thursday that government-run networks can raise free speech concerns. [Read more »](#)

Rosenworcel Offers San Jose Small Cell Deals As 5G Model

Federal Communications Commissioner Jessica Rosenworcel is promoting contracts approved by the city of San Jose, California, for the deployment of 5G next generation broadband as a solution to

conflicts between carriers' need for access to utility poles with local governments' demand to control the terms of telecom attachments.

[Read more »](#)

Microsoft Urges Limited 'White Spaces' Spectrum Program

Microsoft Corp. has urged the Federal Communications Commission to preserve the status quo on its "white spaces" project, a plan to repurpose gaps between channels to power Wi-Fi-like signals in rural areas, which has proven to be controversial with groups that have complained the tech giant never participated in auctions and therefore isn't entitled to spectrum. [Read more »](#)

EXPERT ANALYSIS

Series

From Lawmaker To Lawyer: Prioritizing Is Always Key

Today, members of Congress often seem able to blame colleagues of the other party for not getting anything done for their constituents. In law practice, you can't really blame a bad result for your clients on the lawyers on the other side, says former Sen. Joe Lieberman, D-Conn., of Kasowitz Benson Torres LLP.

[Read more »](#)

The E-Sign Act: 18 Years And All Grown Up

As the Electronic Signatures in Global and National Commerce Act — signed by President Bill Clinton on June 30, 2000 — reaches the age of maturity after being tested in the courts, and as more employers adopt or broaden their use of electronic signatures, now is a good time to review the basic requirements and lessons learned from the developing case law, says August Heckman of Morgan Lewis & Bockius LLP. [Read more »](#)

Trump V. Hawaii Left To The 'Moral Judgments Of History'

In *Trump v. Hawaii*, the U.S. Supreme Court recently found that Congress “delegated” to the president the *far too comprehensive* power to suspend the entry of any noncitizens whose admission he found “detrimental” to American interests. The crux of the majority’s decision: No fig leaves here, says Joseph Tartakovsky, the James Wilson fellow in constitutional law at the Claremont Institute. [Read more »](#)

After Janus, Employers Should Proceed With Caution

The long-awaited decision in *Janus v. AFSCME* was the second within a month in which the U.S. Supreme Court ruled against unions, putting employers in a strong position at the bargaining table. But if employers appear too eager to exploit the moment, they risk facing a backlash, say Jack Schaedel and Christian Scali of Scali Rasmussen. [Read more »](#)

What You Should Know About The 24/7 Cybercrime Network

The CLOUD Act raises the possibility of agreements between the U.S. and EU on law enforcement access to digital evidence, and the EU’s proposed “e-evidence” regulation would streamline law enforcement access to data among its 28 member states. These two actions will greatly change the way that the G7’s 24/7 Cybercrime Network operates, says Chris Ott of Davis Wright Tremaine LLP. [Read more »](#)

IRS Delivers Double Whammy To Owners Of Escheated IRAs

Custodians of individual retirement accounts that escheat to the state will soon be required by the IRS to withhold 10 percent for federal income tax and report the escheatment as a taxable distribution to the owner. It is unclear whether the new rules provide any relief from the taxes and penalties these IRA owners may

face, says Daniel Morgan of Blank Rome LLP.
[Read more »](#)

LEGAL INDUSTRY

Paul Hastings, Cadwalader Move On Associate Pay Raises

Cadwalader Wickersham & Taft LLP, Paul Hastings LLP and Thompson & Knight LLP were among the firms that said they would be joining the trend of hiking salaries and offering mid-year bonuses for associates, according to internal memos made public on Thursday.

[Read more »](#)

Sedgwick Faces New, \$23M Landlord Suit Over NY Lease

The owner of the building that housed Sedgwick LLP's New York financial district office said the now-defunct law firm missed a payment related to the early termination of its lease and, as a result of the breach of contract, owes \$23 million, according to a suit filed in state court just days after the landlords of its Chicago office made similar claims. [Read more »](#)

Foley Hoag Extends 18-Week Leave Policy To All Parents

Foley Hoag LLP has announced that it is implementing a new parental leave policy that offers up to 18 weeks off in the 12 months after the birth or adoption of a child for all parents, regardless of whether they are the primary caregiver or not. [Read more »](#)

V&E Attys Hurt In Boat Crash, Partner Pilot Faces Questions

A Vinson & Elkins LLP partner was hit with an arrest warrant earlier this month over his alleged role piloting a boat that crashed in Travis County, Texas, injuring three of his fellow partners, according to documents filed in state court, though the warrant has reportedly since been rescinded. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Williams & Connolly LLP partner Kannon Shanmugam landed on the legal lions list after the U.S. Supreme Court granted review on three of his cases during the past week, while attorneys at Haynes and Boone and Skadden ended up legal lambs after a judge slashed client ZeniMax's \$500 million intellectual property verdict in half. [Read more »](#)

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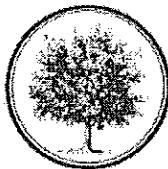
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From: The Buckeye Institute
Sent: Monday, July 2, 2018 12:15 PM
To: Rep48
Subject: ICYMI: Buckeye's Robert Alt Looks at the Impact of Janus in The Columbus Dispatch & The Hill



THE BUCKEYE INSTITUTE

Following last week's Supreme Court ruling in *Janus v. AFSCME*, Robert Alt, president and chief executive officer at The Buckeye Institute, looked at what the ruling means for Ohio's public employees and government unions in *The Columbus Dispatch* (complete piece below).

Alt also had a piece in *The Hill*, where he wrote, "Consent matters. But you don't have to take my word for it -- just ask the Supreme Court of the United States. In *Janus v. AFSCME*, the Court's five-member majority held that the First Amendment protects public-sector employees -- including petitioner Mark Janus -- from being compelled 'to subsidize private speech on matters of substantial public concern' without prior affirmative consent."

Read the full *Hill* piece [here](#).

The Columbus Dispatch

Janus decision protects workers who dissent from union

The Columbus Dispatch
By Robert Alt
July 1, 2018

In *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, the U.S. Supreme Court decided that public-sector workers must affirmatively consent before any money can be taken from them for union fees.

Since Wednesday's ruling, folks on both sides have unfortunately succumbed to hyperbolic overreaction. The most cursory recollection of our country's founding reminds us that the same idea of consent was integral to empowering the government in the first place. Accordingly, it should surprise precisely no one that the court was concerned with the compulsion aspect of the case's facts.

Plaintiff Mark Janus -- an ordinary child-support specialist at the Illinois Department of Healthcare and Family Services -- objected to paying mandatory union fees as a condition of his employment and lamented, "The union voice is not my voice. The union's fight is not my fight. But a piece of my paycheck every week goes to the union. I am not anti-union... But unions aren't a fit for everyone. And I shouldn't be forced to pay money to a union if I don't think it does a good job representing my interests."

The Supreme Court agreed with Janus that, indeed, consent matters. Common courtesy and basic human decency have always demanded it, but now -- in overruling its own 41-year-old precedent in *Abood v. Detroit Board of Education* -- the court found that the First Amendment requires affirmative consent when it comes to paying union fees, too.

Writing for a five-member majority, Justice Samuel Alito raised the court's objection to public employees being forced to financially support their unions, "even if they choose not to join and strongly object to the positions the union takes." Such an arrangement, Alito concluded, "violates the free speech rights of nonmembers by compelling them to subsidize private speech on matters of substantial public concern."

Unions will continue to serve their consenting members for generations to come -- only now they will do so more effectively, more efficiently and without trampling the constitutional rights of their members.

Any Ohio unions worried that *Janus* and other subsequent right-to-work laws will catalyze the end of unions and union membership can rest easy. Empirical studies and data from right-to-work states, including our neighbors Indiana and Michigan, demonstrate that even after enacting right-to-work laws, union membership not only does not suffer but often increases.

In the first full year after Indiana's right-to-work law took effect, for example, the state added 3,000 new union members. Although union membership initially fell slightly after

Michigan adopted right-to-work rules in 2013, it has since recovered, accounting for 15.6 percent of all wage and salary workers in 2017 -- up from 14.4 percent in 2016 and well above the national average of 10.7 percent.

After *Janus*, the quality of public-sector union representation inevitably will improve. Removing coercion and requiring affirmative consent will incentivize union leaders to be more responsive to the needs and desires of their union members, which will increase the value of union membership by refocusing the union's attention on increasing job satisfaction and working conditions for members.

Happier and better-served union members who have affirmatively consented to their union membership should be our shared end goal across the political spectrum.

Public-sector workers won the long-overdue right to be respected, irrespective of their individual decisions regarding union membership. And, in a nation founded upon the consent of the governed, the standard of consent adopted by the Supreme Court in *Janus* finally gives our hardworking public servants the voice and choice they have always deserved.

Robert Alt is the president and chief executive officer of The Buckeye Institute in Columbus.

#

Founded in 1989, The Buckeye Institute is an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.



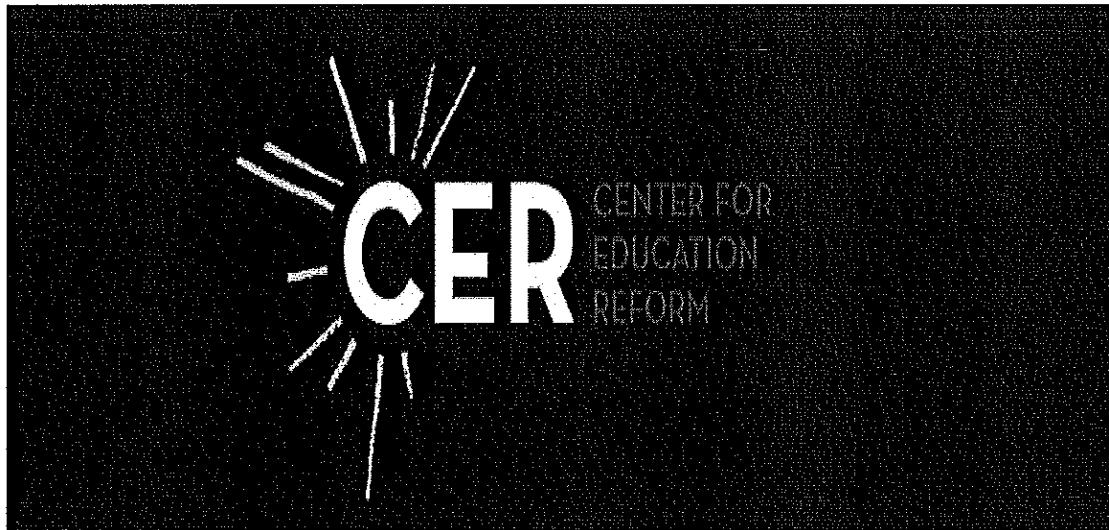
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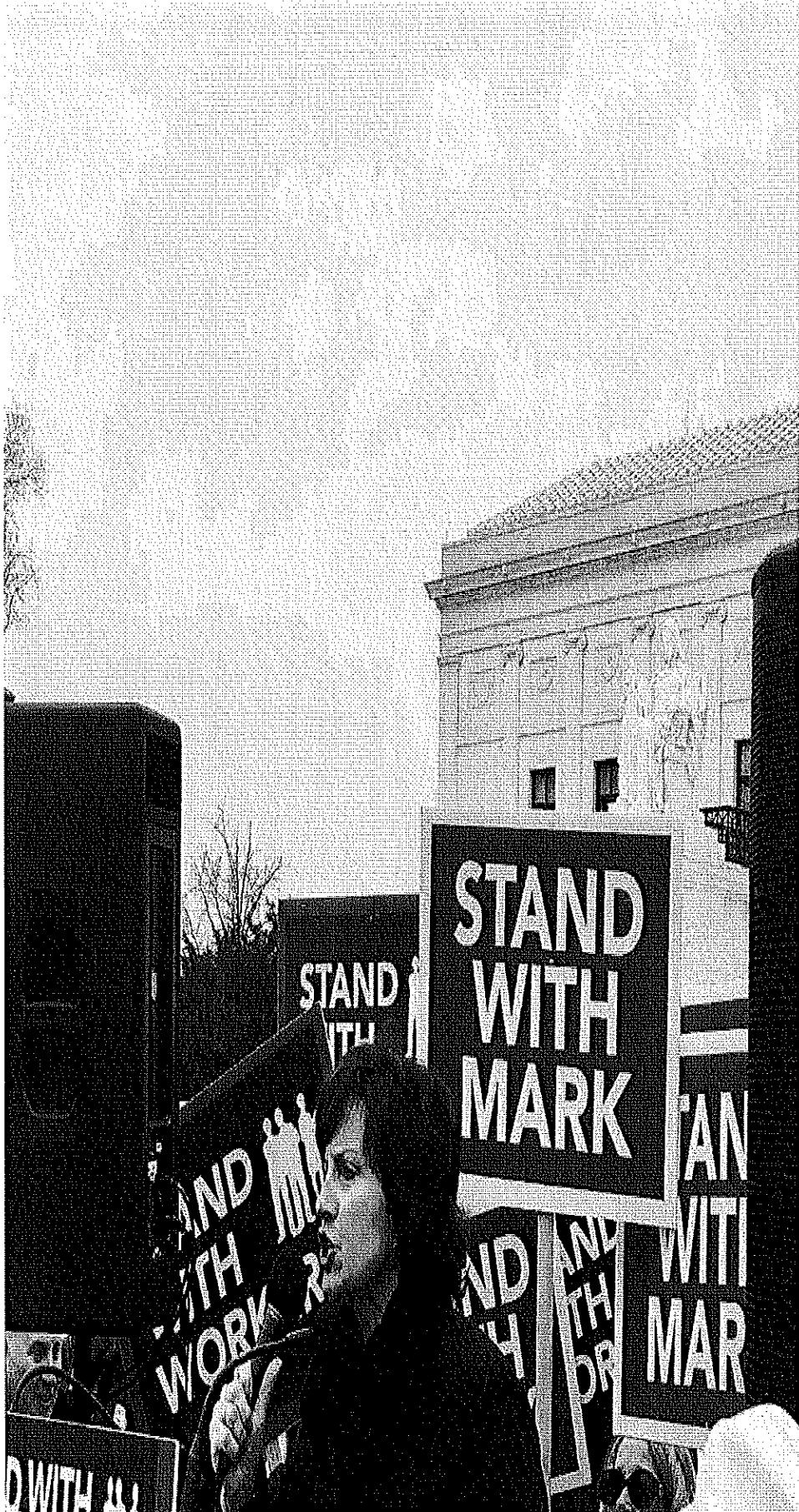
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ICYMI: In Public-Sector Union-Fees Case, SCOTUS Strikes a Blow for Freedom

by Jeanne Allen | [National Review](#) | June 27, 2018



Janus v. AFSCME is good news for the First Amendment.

The suggestion by union leaders and various pundits that the Supreme Court's decision on *Janus v. AFSCME* will somehow deny teachers a voice — and will "defund and destroy" the unions ^{¶ 4} is absurd.

The case addresses an individual's constitutional protection from coerced speech. It doesn't deny unions the right to organize, recruit, bargain, strike, or collect dues from willing members. What it does deny is the unions' right to force individuals who are opposed to their positions and policies to pay into union coffers.

As much as America's teachers' unions are labor organizations, they are equally or more so political organizations, lending huge support to political causes, campaigns, and candidates. [Continue reading...](#)

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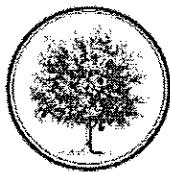
Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans – particularly our youth ^{¶ 4} ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

The Center for Education Reform
1455 Pennsylvania Ave, NW, Suite 250
Washington, DC 20004

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From: The Buckeye Institute
Sent: Tuesday, July 10, 2018 11:06 AM
To: Rep48
Subject: The Buckeye Institute Launches Workers Choose Campaign to Allow Public Employees to Express First Amendment Rights in Wake of Janus Ruling



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
July 10, 2018

The Buckeye Institute Launches Workers Choose Campaign to Allow Public Employees to Express First Amendment Rights in Wake of *Janus* Ruling

Columbus, OH -- Following the U.S. Supreme Court's decision in *Janus v. AFSCME*, The Buckeye Institute launched its Workers Choose campaign, which gives public employees in Ohio the tools they need to express their newly-recognized First Amendment rights.

"In *Janus v. AFSCME*, the U.S. Supreme Court ruled that public-sector workers can no longer be forced to pay for political speech without their affirmative consent," said Robert Alt, president and chief executive officer of **The Buckeye Institute**. "For public-sector employees who seek to exercise their First Amendment rights and withdraw from their government union, **WorkersChoose.org** will allow them to initiate the process online in three easy steps. For those workers who are happy to continue supporting their government unions, they also have the First Amendment right to maintain their membership in them. The Janus decision is a win for all of our public workers, who are now respected and have a right to choose -- and those choices must be honored. I'm not sure how anyone could be opposed to letting workers decide for themselves."

To initiate the process of withdrawing from their government union, visitors to **WorkersChoose.org** will:

- Be asked to provide their name and email address;
- Find and select the county in which they work from a dropdown menu;
- Choose their employer from a dropdown menu; and
- Identify their government union in a dropdown menu.

Instructions will then appear that outline the opt-out process for that union and, when known, the specified timeframe or opt-out window. A completed notification letter, unique for each user, will be available for download and submission, as will union and employer contact information. Workers will simply need to download the letter and either email or send a hard copy to the listed contacts as instructed. If workers are required to email or send their notification letter at a future date, visitors have the option of signing up to receive an email notification when their opt-out window opens.

For public employees who have questions, there is a toll-free number, 1-855-e-Choose, and an email address, WorkersChoose@BuckeyeInstitute.org, that they can use for further assistance.

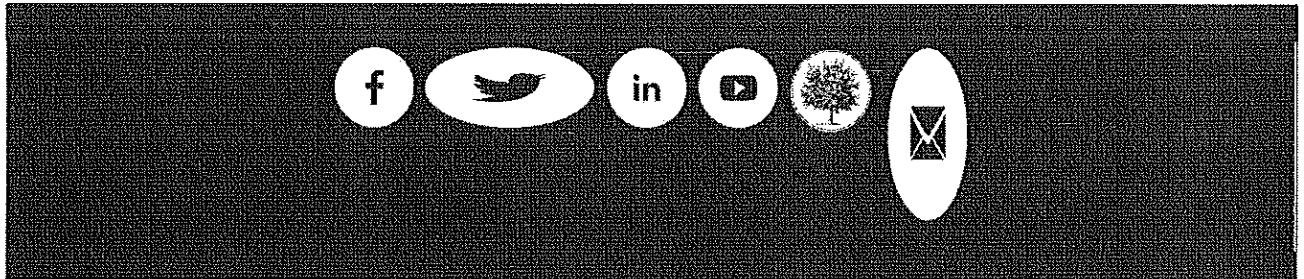
"If you are one of Ohio's hardworking teachers or other public-sector employees who prefer not to financially support or participate in your government union, WorkersChoose.org will allow you to begin the notification process today," said Alt.

#

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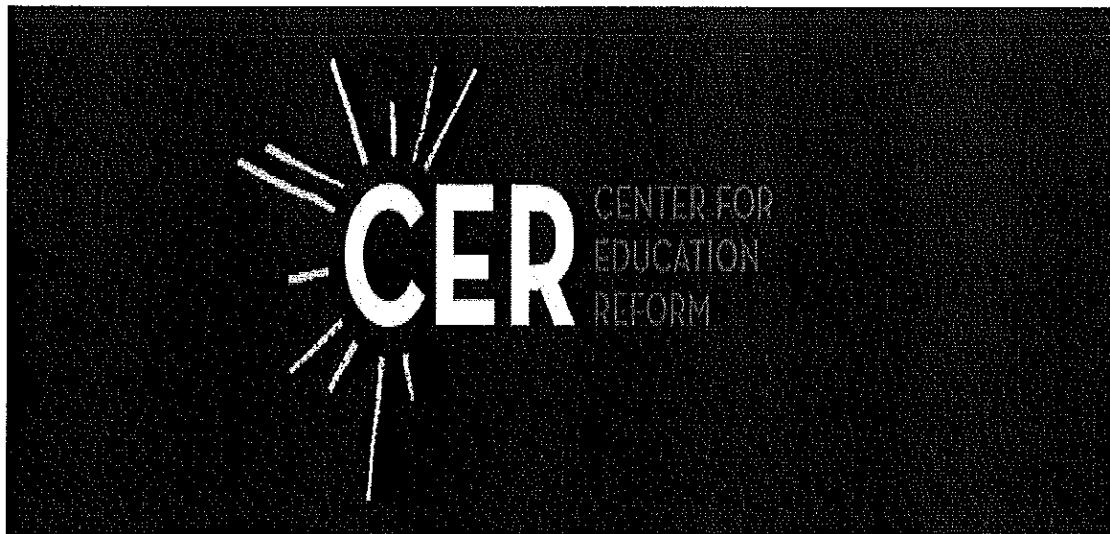
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newswire

A weekly report on education news and commentary you won't find anywhere else — from the nation's leading voice on education innovation and opportunity.

A NEW HOPE FOR RELIGIOUS SCHOOLS' FREEDOM? The President's nominee to fill the vacancy that Supreme Court Justice Anthony Kennedy will create is Brett Kavanaugh, whose long history of rulings and opinions on education issues may allow for progress and real change for religious schools and school equity: *Does A Justice Kavanaugh Mean That Blaine Amendments Are History?*

A SETBACK IN PUERTO RICO. A frustrating turn of events in Puerto Rico where the hopes and plans to increase educational opportunities and innovations are being held up a judge's ruling that private school scholarships

violate Puerto Rico's Constitution and that only the University of Puerto Rico and Puerto Rico's municipalities can operate "*alianza*" (i.e. charter) schools.

Sadly, this is another case of putting children last when it comes to meeting their educational needs and, with hope, will only be a temporary set-back in delivering Gov. Rosselló's hugely needed, and hugely promising reforms. The good news is that we've seen this movie before, and the flawed decisions of courts from Washington state to Florida are usually based on education powers in constitutions not legislative powers, which in most Constitutions take precedence. [Check out this review](#), for example, from former U.S. Solicitor General Paul Clement, about a similar issue claimed but not litigated in Kentucky. We'll keep you posted.



NEA: THE "NOT EDUCATION ASSOCIATION." Somehow the NEA thought it appropriate to dedicate nearly two-thirds of the resolutions at its annual conference last week to everything BUT education? [What are some of the NEA's priority issues?](#) Here's a sample. Ensuring that Banana Republic doesn't

advertise with the union. Creating a toolkit to press for moratoria on charter school authorizations by bodies other than locally elected school boards. Advocating for lower interest rates and affordable housing programs for educators. And planning at least one action to shut down an immigration detention center, a Customs and Border Patrol office, or an Immigration and Customs Enforcement office (and recruiting at least 500 educators to participate in the action who are willing to be arrested and not bailed out of jail for a week!).

AFT ALSO OUT OF TOUCH. As the AFT gears up for its rollicking annual convention and demagoguery fest we thought we'd brief you on the issues they'd be debating this year...that is until we looked at the list of a whopping 91 resolutions from 13 committees that are more appropriate to a meeting of the U.N. General Assembly than they are to addressing the educational needs of America's children and families. To be fair, they do have an "Educational Issues Committee" but things go sideways fast when we get to the committees on Healthcare, Human Rights, International Relations, Labor and the Economy, Political Action ("Resolution No. 53 'Rev It Up:' Register, Educate, Vote!") and Organizing and Collective Bargaining. Suffice it to say they will be discussing a lot of things, most of which have little or nothing to do with educating children. If you are so inclined, you can read every word of every resolution [here](#).

NOTE TO UNIONS: You're supposed to be looking for ways to improve your standing after Janus not get farther away from the mission upon which you were founded.

HEARING IT DIRECTLY FROM MARK JANUS. Along with many of our most respected colleagues, we've been glued to the Janus v. AFSCME litigation proceedings since the beginning. We've [covered](#), [interviewed](#) and reported on the subject. But nothing compares to hearing it from the horse's mouth. [Here's](#) Mark Janus explaining his "why" after the historic decision.